ACTS AND RESOLVES.

1861.

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1861.

TOGETHER WITH

THE MESSAGES OF THE GOVERNOR, LIST OF THE CIVIL GOVERNMENT, CHANGES OF NAMES OF PERSONS,

ETC., ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.

BOSTON:
WILLIAM WHITE, PRINTER TO THE STATE.
1861.

☞ The General Court of 1861 assembled in the State House in Boston, on Wednesday, the second day of January, and was prorogued on Thursday, the eleventh day of April.

The oaths of office required by the Constitution, were administered to His Excellency JOHN A. ANDREW, on Saturday, the fifth day of January.

ACTS,

GENERAL AND SPECIAL.

AN ACT TO TRANSFER A CERTAIN APPROPRIATION MADE IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY. *Chap.* 1.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter two hundred and twenty-two of the acts of eighteen hundred and sixty, is hereby so amended, that the sum therein appropriated for printing General Laws of eighteen hundred and fifty-nine, is transferred and appropriated for printing General Laws of eighteen hundred and sixty. Appropriation for printing of 1859 applied to 1860.

SECTION 2. This act shall take effect on its passage.

Approved January 18, 1861.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MYSTIC RIVER RAILROAD. *Chap.* 2.

Be it enacted, &c., as follows:

The time allowed within which to locate and construct the Mystic River Railroad, is hereby extended two years. Extended two years.

Approved January 23, 1861.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE CAMBRIDGE MUTUAL FIRE INSURANCE COMPANY. *Chap.* 3.

Be it enacted, &c., as follows:

The statute of the year one thousand eight hundred and thirty-three, incorporating the Cambridge Mutual Fire Insurance Company, shall be continued and remain in force from and after the fourteenth day of March, in the year one thousand eight hundred and sixty-one; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted. Act of 1833 re-enacted. Additional investments and restrictions.

Approved January 24, 1861.

Chap. 4. An Act concerning the Lynn and Boston Railroad Company.

Be it enacted, &c., as follows:

Towns and city authorized to locate track, company assenting.

Section 1. The selectmen of the several towns, and the mayor and aldermen of the city of Lynn, in which the Lynn and Boston Railroad Company was by the act of its incorporation authorized to construct its railroad, are hereby authorized to locate the track of the railroad of said company, upon and over such of the streets and highways within their respective corporations, as they may from time to time respectively determine, with the assent in writing of said company.

Locations to be made in pursuance of act of incorporation.

May maintain road as provided in said act.

Section 2. All locations made under the provisions of this act, shall be made in all respects in pursuance of the provisions of the act by which said company was incorporated; and said company is hereby authorized to construct, maintain and use its railroad located in pursuance of this act, upon and over the streets and highways of said towns and the city of Lynn, with the same powers and privileges, and subject to the same duties, liabilities and restrictions, as if the same had been located and constructed under the authority of the act by which said company was incorporated.

Act to be void in one year unless accepted.

Section 3. This act shall be void, so far as relates to the construction of said railroad, in either of said towns and city, unless the same shall be accepted by the selectmen of said towns, and the mayor and aldermen of said city, respectively, and by said company, within one year after its passage.

Approved January 26, 1861.

Chap. 5. An Act to change the name of the Pine Street Congregational Society.

Be it enacted, &c., as follows:

Name changed.

The Pine Street Congregational Society shall hereafter be called and known by the name of the Berkeley Street Congregational Society. *Approved January* 28, 1861.

Chap. 6. An Act to authorize the Hingham Institution for Savings to hold real estate.

Be it enacted, &c., as follows:

May hold not exceeding $5,000.

Section 1. The Hingham Institution for Savings is hereby authorized to hold real estate within the town of Hingham, to an amount not exceeding five thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes. And all income, if any, arising from such real

Income, how applied.

estate, shall be devoted exclusively to the interests of said corporation.

Section 2. This act shall take effect on its passage.

Approved January 28, 1861.

An Act to extend and alter an act to incorporate the Union Mutual Marine Insurance Company. *Chap.* 7.

Be it enacted, &c., as follows:

Act of 1851 re-enacted, with modifications.

Section 1. The act passed on the fifteenth day of May, in the year eighteen hundred and fifty-one, entitled "An Act to incorporate the Union Mutual Marine Insurance Company," shall, as hereby modified, be and remain in force on and after the fifteenth day of May, in the year eighteen hundred and sixty-one; and the said company shall be continued as a corporation for an unlimited term of time, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes, and all other general laws applicable to mutual marine insurance companies.

Time unlimited.

Privileges and restrictions.

May hold real estate.

Section 2. The said corporation may hold real estate to the amount of ten thousand dollars.

Repeal

Section 3. So much of said "Act to incorporate the Union Mutual Marine Insurance Company," as is inconsistent herewith, is hereby repealed.

Approved January 28, 1861.

An Act concerning Patucket Bridge. *Chap.* 8.

Be it enacted, &c., as follows:

Lowell and Dracut to maintain, when laid out.

Section 1. When Patucket Bridge shall be laid out as a public highway, as provided in chapter eighty-six of the Acts of the year one thousand eight hundred and sixty, the city of Lowell and the town of Dracut shall maintain and keep the same in repair at their joint equal expense, subject to the control of the county commissioners as provided in section two of the forty-fourth chapter of the General Statutes; and any fine or damage incurred by reason of said bridge being out of repair, as prescribed in section twenty-two of said chapter, shall be recovered of, and paid by, said city and town in equal portions.

County commissioners to control.

County commissioners may alter at city and town's expense.

Section 2. If the county commissioners, upon due application to them, shall order said bridge to be altered or widened, the expense of such alteration or widening shall be borne and paid by the said city and town in equal portions.

Expenditures for repairs to be reimbursed to city and town.

Section 3. The proprietors of the locks and canals on Merrimack River shall reimburse to said city and town all sums expended by them in the necessary repair of that portion of said bridge erected by said proprietors, under an indenture between them and the proprietors of said bridge, dated November the eighteenth, in the year one thousand eight hundred and forty-six.

Repeal.

Section 4. The fifth section of chapter eighty-six of the Acts of the year one thousand eight hundred and sixty, is hereby repealed.

Section 5. This act shall take effect upon its passage.

Approved January 31, 1861.

Chap. 9. An Act to authorize the Hingham Mutual Fire Insurance Company to hold real estate.

Be it enacted, &c., as follows:

May hold not exceeding $5,000.

The Hingham Mutual Fire Insurance Company is hereby authorized to hold real estate for the convenient transaction of its business, in the town of Hingham, to an amount not exceeding five thousand dollars. *Approved January* 31, 1861.

Chap. 10. An Act to incorporate the Paige Mills.

Be it enacted, &c., as follows:

Corporators.

Section 1. Charles S. Storrow, George W. Lyman, James Lawrence, J. W. Paige, their associates and successors, are

Name.

hereby made a corporation by the name of the Paige Mills,

Purpose.

for the purpose of manufacturing goods wholly or in part of

Location.

cotton, woollen, or silk, in the city of Lawrence, in the

Privileges and restrictions.

county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and acts passed subsequent thereto relating to manufacturing corporations.

Real estate.

Capital.

Shares.

Section 2. Said corporation may hold, for the purpose aforesaid, real estate to the amount of five hundred thousand dollars; and the whole capital stock of said corporation shall not exceed one million dollars, in shares of one hundred dollars each.

Section 3. This act shall take effect on its passage.

Approved January 31, 1861.

Chap. 11. An Act changing the boundary line between the towns of Belmont and West Cambridge.

Be it enacted, &c., as follows:

Boundaries established.

The boundary line between the towns of Belmont and West Cambridge, between the points named, shall hereafter be established as follows, to wit: Commencing at a stone

post on the north-westerly side of Spring Lane, near the house of Edward Fillebrown, and on the present line between said towns; thence running in a southerly direction on the westerly side of Spring Lane seventy-three rods and twelve links to a post; thence crossing Spring Lane at right angles, and running in a southerly direction on the easterly side of Spring Lane seventy-three rods and twelve links to the corner of Pleasant Street; thence turning at right angles and running in a northerly direction on the westerly side of Pleasant Street seven rods to a post; thence crossing Pleasant Street at right angles to the corner of Pond Street, and running on the north-easterly side of Pond Street in a south-easterly direction seventy-two rods to a post; thence crossing Pond Street at right angles at the north-easterly corner of Cross Street, and running on the south-westerly side of Pond Street, in a south-easterly direction, eighty-six rods, to a stone post standing on the original line between said towns of Belmont and West Cambridge. *Approved January* 31, 1861.

AN ACT AUTHORIZING THE CAMBRIDGE WATER WORKS TO PURCHASE THE PROPERTY AND FRANCHISE OF THE CAMBRIDGEPORT AQUEDUCT COMPANY. *Chap.* 12.

Be it enacted, &c., as follows:

Transfer authorized.

SECTION 1. The Cambridge Water Works are hereby authorized and empowered to purchase of the Cambridgeport Aqueduct Company, all their corporate property, both real and personal, together with the franchise thereof, and the Cambridgeport Aqueduct Company are hereby authorized and empowered to sell and transfer all their corporate property, with the franchise thereof, to the said Cambridge Water Works; and when said property shall have been purchased and transferred as aforesaid, all the rights, powers and privileges conferred upon the Cambridgeport Aqueduct Company by their act of incorporation, with all the duties, restrictions, and liabilities imposed by said act, shall be vested in the Cambridge Water Works, as fully and as legally as they now are in the Cambridgeport Aqueduct Company.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

AN ACT FURTHER TO INCREASE THE CAPITAL STOCK OF THE NAUMKEAG STEAM COTTON COMPANY. *Chap.* 13.

Be it enacted, &c., as follows:

Increase authorized.

SECTION 1. The Naumkeag Steam Cotton Company is hereby empowered to increase its capital stock to the sum of twelve hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

Chap. 14. An Act granting further time to the suffolk insurance company to close its affairs.

Be it enacted, &c., as follows:

Time extended five years.

Section 1. The time within which the Suffolk Insurance Company is required, by the thirty-sixth section of the sixty-eighth chapter of the General Statutes, to settle and close their affairs, is hereby extended for the term of five years.

Section 2. This act shall take effect upon its passage.

Approved January 31, 1861.

Chap. 15. An Act to incorporate the charlestown freight railroad company.

Be it enacted, &c., as follows:

Corporators.

Section 1. Ezra Eames, P. J. Stone, John Stimson, J. E. Bartlett, and George Johnson, their associates and

Title.

successors, are hereby made a Corporation by the name of the Charlestown Freight Railroad Company, with authority to construct, maintain and use, by themselves or others, a railway with convenient single or double tracks, switches

Location.

and turnouts, from a point on the tracks of the Boston and Chelsea Railroad opposite Medford Street in the city of Charlestown, through Medford, Main and Cambridge Streets

How determined.

to the Boston and Maine Railroad; the location to be fixed and determined by the mayor and aldermen of the said city of Charlestown, to be accepted in writing by said corporation

Proviso.

hereby established: *provided*, that before any location is made through said streets, notice thereof shall be given to the abutters thereon and all others interested, by advertising in a newspaper published in said Charlestown, the time and place when the mayor and aldermen will meet to locate said railroad, when any objection made thereto shall be heard and considered.

May contract for use of tracks of other roads.

Section 2. Said corporation hereby created, may enter upon and use the tracks of the Boston and Chelsea, the Middlesex, and the Boston and Maine Railroad Companies, and the tracks of such other railroad companies as they intersect, with the consent of such railroad companies, in such mode and upon such terms as may be mutually agreed upon in writing, with the companies upon whose tracks this railroad company may desire to enter.

Road to be under direction of city of Charlestown.

Section 3. The said road shall be constructed and maintained in such manner and upon such grade as the mayor and aldermen of said city of Charlestown may, in their votes fixing and determining the location thereof, prescribe and direct; and if said railroad company shall deem it expedient to alter the grade of any street, such alteration

shall be made at the sole expense of said corporation, and shall not be made unless the same is first assented to by the mayor and aldermen of said city.

Corporation to maintain repair of streets, and be liable for loss or injury from its neglect.

Section 4. Said corporation shall maintain and keep in repair such portions of the streets as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of carelessness, neglect or mismanagement of its agents and servants, in the construction, management or use of said railroad, and shall not incumber any portion of said streets which shall not be occupied by their said railroad, switches and turnouts; and in case any recovery shall be had against said city by reason of any defect, want of repair or unauthorized obstructions, said corporation shall be liable to refund the same, together with all reasonable costs and expenditures incurred in the defence of any suit or suits in which recovery shall be had.

Not to incumber streets.

Liability in case of recovery against city for neglect of corporation.

Motive power.

Section 5. Said railroad shall be operated and used with horse-power only; and the mayor and aldermen of said city shall have power at all times to make all such regulations as to the rate of speed and mode of the use of the tracks, as the public convenience and safety may require.

Speed and use of tracks.

Obstructions punishable.

Section 6. If any person shall wilfully or maliciously obstruct the said corporation in the use of their said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such person and all who shall be aiding and abetting therein shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the county jail for a period not exceeding three months.

Penalty.

Penalty for obstruction by corporation.

Section 7. If said corporation or its agents or servants, shall wilfully obstruct any street or highway, or the passing of any carriage over the same, such corporation shall be liable to a fine not exceeding five hundred dollars.

Capital.

Shares.

Section 8. The capital stock of said corporation shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate.

Section 9. Said corporation shall have power to purchase and hold such real estate within said city, as may be convenient and necessary for the purposes and management of said road.

Control of highways by authorities.

Section 10. Nothing in this act shall be construed to prevent the authorities of said city from entering upon and taking up any of the public streets traversed by said railroad,

for the purposes for which they may now lawfully take up the same.

Annual returns.

Section 11. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be required by law, but not to the other general provisions of law in relation to railroad corporations.

Conditions of validity of act.

Section 12. This act shall be void so far as relates to the right to construct said road, unless the same shall be accepted by the mayor and aldermen of said city, and unless the act shall be accepted by said corporation, and ten per cent. of the capital stock thereof shall be paid in; and unless the location of said road shall be filed before the first day of November, in the year eighteen hundred and sixty-three.

Discontinuance of road by mayor and aldermen authorized.

Section 13. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any streets in which the same may be located as provided by its charter, the mayor and aldermen of said city, may, by a vote of a major part thereof, discontinue the same; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the vote or order of said mayor and aldermen: *provided*, that such taking up and removal shall be at the expense of said railroad corporation.

Approved January 31, 1861.

Chap. 16. An Act concerning the Cliftondale Railroad Company.

Be it enacted, &c., as follows:

Location of tracks.

Section 1. The selectmen of the several towns in which the Cliftondale Railroad Company was, by the act of its incorporation, authorized to construct its railroad, and the mayor and aldermen of the city of Lynn, are hereby authorized to locate the tracks of the railroad of said company upon and over such of the streets and highways within their respective corporations, as they may respectively from time to time determine, with the assent in writing of said company.

Location in Melrose.

Section 2. The selectmen of the town of Melrose are hereby authorized to locate the tracks of said company upon and over such portion of the highway in said town known as the old Boston and Newburyport Turnpike, as they may determine, with the assent in writing of said company.

Route defined.

Section 3. Said company is hereby authorized to construct, maintain and use their railroad from some convenient point upon the highway known as the old Boston and Newburyport Turnpike, to some point in Melrose near Swain's

Pond: *provided*, that it shall not be constructed upon any highway or town way, unless its location thereon shall first be fixed and determined by the selectmen of the town in which such highway or town way is located, with the assent in writing of said company. Proviso.

Section 4. All locations made under the provisions of this act, shall be made in all respects in pursuance of the provisions of the act by which said company was incorporated, and of the act in addition thereto, passed in the year one thousand eight hundred and sixty; and said company is hereby authorized to construct, maintain and use their railroad located in pursuance of this act, upon and over the streets and highways of said towns and city, and upon and over such land outside of the streets and highways in said towns, as said company may determine; with the same powers and privileges, and subject to the same duties, liabilities and restrictions, as if the same had been located and constructed under the authority of the act by which said company was incorporated, and the act in addition thereto, passed in the year one thousand eight hundred and sixty. Locations, how made. Privileges and restrictions.

Section 5. The bonds which said company was authorized to issue by the ninth section of the act by which it was incorporated, may be issued in sums of one hundred dollars each; and it is hereby declared to be the intention of said section to authorize the trustees of the sinking fund to invest said fund or any portion thereof in the bonds of said company. Bonds, denomination defined. Sinking fund, investment of.

Section 6. This act shall be void so far as relates to the construction of said railroad in either of said towns, and in the city of Lynn, unless the same shall be accepted by the selectmen of said towns, and the mayor and aldermen of said city, respectively, and by said company, within one year after its passage. *Approved January* 31, 1861. Act to be void unless accepted.

An Act to continue in force An Act to incorporate the Weymouth and Braintree Mutual Fire Insurance Company in Weymouth. *Chap.* 17.

Be it enacted, &c., as follows:

The statute of the year one thousand eight hundred and thirty-three, incorporating the Weymouth and Braintree Mutual Fire Insurance Company, and the several acts in addition thereto, shall be continued and remain in force from and after the twentieth day of February, one thousand eight hundred and sixty-one; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted. *Approved January* 31, 1861. Act of 1833 and acts in addition, to remain in force. Privileges and restrictions.

Chap. 18. An Act concerning the Winnisimmet Railroad.

Be it enacted, &c., as follows:

May run cars over Winnisimmet ferry.

Section 1. The Winnisimmet Railroad Company is hereby authorized to run its cars over the Winnisimmet Ferry, and the passage-ways leading thereto, and belonging to said ferry; and for that purpose may construct, maintain and use tracks, switches and turnouts, with the necessary appurtenances, upon and over the boats, drops and passage-ways, belonging to the Winnisimmet Ferry Company, for such rates of compensation as may be mutually agreed upon by said companies; and in case of disagreement between said companies, as to such rates of compensation, the same shall be fixed by three commissioners, to be appointed by the supreme judicial court.

Compensation.

Section 2. This act shall take effect upon its passage.

Approved January 31, 1861.

Chap. 19. An Act relating to the Springfield Fire and Marine Insurance Company.

Be it enacted, &c., as follows:

Limitation for payment of capital repealed.

So much of the first section of chapter eleven of the acts of eighteen hundred and fifty-nine, as requires the increase of the capital stock of the Springfield Fire and Marine Insurance Company, thereby authorized, to be paid in within two years from the passage of said act, is hereby repealed.

Approved January 31, 1861.

Chap. 20. An Act making appropriations for the mileage and compensation of the lieutenant-governor and council, of the officers and members of the legislature at the present session thereof, and for other purposes.

Be it enacted, &c., as follows:

Appropriations for 1861.

Section 1. The sums hereinafter mentioned, are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for the mileage and compensation of the lieutenant-governor and council, officers and members of the legislature at the present session thereof, and for other purposes, to wit:

Lieutenant-governor and council.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding eight thousand dollars.

Senators' mileage.

For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars. Representatives' mileage.

For the compensation of representatives, a sum not exceeding seventy-two thousand four hundred dollars. Compensation.

For the compensation of the valuation committee, appointed to sit during the recess of the legislature of the year eighteen hundred and sixty, a sum not exceeding two thousand six hundred dollars, the same to be in addition to any former appropriation. Valuation committee compensation.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, four thousand dollars. Clerks senate and house, salaries.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars. Chaplains' salaries.

For fees of witnesses summoned before committees, in accordance with the provisions of the General Statutes, chapter one hundred and fifty-seven, and of the acts of the year eighteen hundred and sixty, chapter forty-one, a sum not exceeding five hundred dollars. Witness fees.

For the compensation of the preacher of the election sermon, one hundred dollars. Preacher election sermon.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand one hundred dollars. Stationery, senate.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand dollars. House of representatives.

For compensation of the private secretary of the governor, a sum not exceeding fourteen hundred dollars. Private secretary of governor.

For the compensation of the messenger to the governor and council, eight hundred dollars. Messenger of governor.

For the compensation of the assistant-messenger to the governor and council, three hundred and sixty-five dollars. Assistant messenger.

For the salary of the sergeant-at-arms, two thousand dollars. Sergeant-at-arms.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding eight thousand eight hundred dollars. Door-keepers, messengers, pages, watchmen and firemen.

For the authorized expenses of committees of the legislature, a sum not exceeding three hundred dollars. Committees' expenses.

Section 2. This act shall take effect upon its passage.

Approved January 31, 1861.

An Act making an appropriation for an emergency fund. *Chap.* 21.

Be it enacted, &c., as follows:

Section 1. There is hereby appropriated the sum of one hundred thousand dollars, to be designated as the Emergency Appropriation of $100,000 for public service.

Fund, which shall be paid out of the treasury of this Commonwealth, from ordinary revenue, on any warrants of the governor, which may be drawn from time to time, for such amounts, not exceeding in the aggregate one hundred thousand dollars, as in the judgment of the governor, by and with the consent of the council, may be necessary for the public service: *provided*, that no part of this sum shall be expended for services or objects for which there are or may be subsisting appropriations contained in any act or resolve, which has been or may be passed at the present session of the general court, and an account shall be rendered to the next general court, on or before the fifteenth day of January next, of the manner in which said fund, or any part thereof, has been disbursed.

Proviso.

Section 2. This act shall take effect upon its passage.

Approved February 5, 1861.

Chap. 22. An Act to incorporate the Real Estate and Building Company.

Be it enacted, &c., as follows:

Corporators. Section 1. Charles B. Hall, James W. Stone, Jacob Sleeper, Samuel A. Bradbury, Holmes Ammidown, their associates, successors and assigns, are hereby made a corporation, during and for the term of twenty years from and after the passage of this act, unless this act shall be sooner repealed, by the name of the Real Estate and Building Company, for the purpose of purchasing, selling, leasing and improving real estate, in the towns of Dorchester, Milton and Dedham, now held by L. A. Huntington, William H. Seavey, and W. L. G. Hunt, as trustees of the Real Estate and Building Company, and no other, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

Title.

Purpose.

Privileges and conditions.

Capital. Section 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, with liberty to increase the said stock to two hundred and fifty thousand dollars: *provided*, that the said corporation shall not transact any business until at least seventy-five thousand dollars in cash shall have been paid in.

Shares.

Proviso.

Approved February 6, 1861.

Chap. 23. An Act in addition to an act to incorporate the town of Acushnet.

Be it enacted, &c., as follows:

Registry of deeds. Section 1. The town of Acushnet shall be and remain a part of the southern district of the county of Bristol, for the registry of deeds.

Section 2. All deeds, mortgages, notices or certificates of foreclosure, and other instruments required by law to be recorded, and now recorded, or which shall hereafter be recorded, in the registry of deeds for said southern district of the county of Bristol, shall have the same force and effect, and the record of the same in said registry shall be of the same force and effect, as if the said town of Acushnet had been and remained a part of the town of Fairhaven.

Approved February 6, 1861.

An Act to authorize John P. Ober to build a wharf in Gloucester. *Chap.* 24.

Be it enacted, &c., as follows:

Location. John P. Ober, proprietor of land and flats situate in that part of Gloucester known as Eastern Point, is hereby authorized to build and maintain thereon a wharf, extending three hundred feet in a north-westerly direction into the cove from the main road or high-water mark, and shall have the Privileges. right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* Proviso. that this grant shall in no wise impair the legal rights of any person. *Approved February* 6, 1861.

An Act in addition to an act to incorporate the Belvidere Woollen Manufacturing Company. *Chap.* 25.

Be it enacted, &c., as follows:

Section 1. The Belvidere Woollen Manufacturing Company is hereby authorized to prosecute the manufacture of woollen and cotton goods in Lowell, in the county of Middlesex. Additional powers granted.

Section 2. Said corporation may increase its capital stock to an amount not exceeding three hundred thousand dollars, and may invest such portion thereof in real and personal estate as may be necessary or convenient for the prosecution of its business. Increase of capital authorized. Investment. *Approved February* 6, 1861.

An Act to incorporate the Milton Gas Light Company. *Chap.* 26.

Be it enacted, &c., as follows:

Section 1. John D. Bradlee, Sumner A. Burt, Edward L. Pierce, their associates and successors, are hereby made a corporation by the name of the Milton Gas Light Company, in Milton, for the purpose of manufacturing and selling gas in the town of Milton, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes. Corporators. Title. Purpose. Privileges and restrictions.

Real estate.

Section 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Power to open streets, &c., to sink pipes, &c.

Section 3. Said corporation, with the consent of the selectmen of the town of Milton, shall have the power and authority to dig up and open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict, and control all acts and doings of such corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

Approved February 6, 1861.

Chap. 27. An Act to authorize the selectmen of Harwich to construct a bridge across Herring River.

Be it enacted, &c., as follows:

Location defined.

The selectmen of the town of Harwich are hereby authorized to construct and maintain a bridge, and to establish the same as a town way, across Herring River, in said Harwich, on the line of a road laid out in the year eighteen hundred and sixty, and commencing at the lower county road in said town, near the dwelling-house of Job Chase, and thence extending northerly over Bell's Neck to the upper county road.

Approved February 6, 1861.

Chap. 28. An Act to increase the capital stock of the Bristol County Bank.

Be it enacted, &c., as follows:

Increase authorized.

Section 1. The president, directors and company of the Bristol County Bank, of Taunton, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty-one.

Proviso.

Remonstrance.

Section 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made, in writing,

to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Section 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Tax, etc.

Section 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate required.

Section 5. This act shall take effect upon its passage.

Approved February 6, 1861.

An Act to extend the time for locating and constructing the Springfield and Farmington Valley Railroad. *Chap.* 29.

Be it enacted, &c., as follows:

The time for locating and constructing the Springfield and Farmington Valley Railroad, is hereby extended three years from the time designated in the twentieth chapter of the acts of eighteen hundred and fifty-nine. Extended three years.

Approved February 9, 1861.

An Act to authorize Daniel S. Webber to extend his wharf in Gloucester. *Chap.* 30.

Be it enacted, &c., as follows:

Daniel S. Webber, proprietor of a wharf in Gloucester, situated in that part of the town known as Fresh Water Cove, is hereby authorized to extend and maintain said wharf in its present width, two hundred and twenty-five feet from the starting point of said wharf towards the centre of the channel; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person. May extend two hundred feet. Proviso.

Approved February 9, 1861.

An Act in addition to an act to incorporate the Boston Society of the New Jerusalem. *Chap.* 31.

Be it enacted, &c., as follows:

The Boston Society of the New Jerusalem, in addition to the power given in the second section of its charter of incorporation, and in other acts in addition thereto, may take and hold for religious, charitable and educational purposes, in May hold estate.

Amount.

fee simple or otherwise, by gift, grant, devise or purchase, any real or personal estate: *provided*, the annual income of all said estate shall not exceed six thousand dollars.

Approved February 9, 1861.

Chap. 32. An Act to authorize Beniah Colburn and others to extend their breakwater in Gloucester.

Be it enacted, &c., as follows:

May extend three hundred feet.

Beniah Colburn, William J. Torrey, Blanchard Clifford, and Thomas Hale, proprietors of a breakwater in Gloucester, situated in that part of the town known as Hodgkins Cove, are hereby authorized to extend and maintain said breakwater, three hundred feet in a northerly direction; and shall have the right to lay vessels at the end and sides of

Proviso.

said breakwater, and to receive wharfage and dockage therefor: *provided*, *however*, that this grant shall in no wise impair the legal rights of any person or corporation.

Approved February 9, 1861.

Chap. 33. An Act extending the time for the location and construction of the Stoneham Branch Railroad.

Be it enacted, &c., as follows:

Extended one year.

The time allowed to the Stoneham Branch Railroad Company for the location and construction of its railroad, is hereby extended one year beyond the time fixed therefor by its act of incorporation, entitled "An Act to incorporate the Stoneham Branch Railroad Company," and approved April sixth, in the year one thousand eight hundred and fifty-nine.

Approved February 9, 1861.

Chap. 34. An Act to increase the capital stock of the Troy Cotton and Woollen Manufacturing Company.

Be it enacted, &c., as follows:

May increase to $300,000.

The Troy Cotton and Woollen Manufacturing Company is hereby authorized to increase its capital stock in a sum not exceeding three hundred thousand dollars, so that its whole capital shall be five hundred thousand dollars.

Approved February 9, 1861.

Chap. 35. An Act to increase the capital stock of the Essex Bank of Haverhill.

Be it enacted, &c., as follows:

Amount of increase.

Section 1. The president, directors and company of the Essex Bank of Haverhill, are hereby authorized to increase their present capital stock by an addition thereto of one

Shares.

hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the presi-

dent and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty-one. Proviso.

Section 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance. Condition.

Section 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, as is the present capital stock of said bank. Tax, &c.

Section 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate required.

Section 5. This act shall take effect upon its passage.

Approved February 9, 1861.

An Act making an appropriation for the transportation of state paupers. *Chap.* 36.

Be it enacted, &c., as follows:

There shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, a sum not exceeding eight thousand dollars, to be expended by the alien commissioners for the transportation of state paupers: *provided*, that the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses; and a detailed report of such expenditures shall be rendered to the auditor of the Commonwealth on the first day of every month. Amount. Proviso. Report.

Approved February 9, 1861.

An Act to authorize the maintenance of a bridge over Herring River in Harwich. *Chap.* 37.

Be it enacted, &c., as follows:

Section 1. Anthony Kelley and Isaiah Baker, of Harwich, in the county of Barnstable, with their associates, are hereby authorized and empowered to maintain a bridge over Herring River in said Harwich, at a place between Oak Island and Bell's Neck, where a bridge is now built. Location of bridge.

Section 2. If at any time hereafter the way now constructed and leading over said bridge is accepted as a town Maintenance, in case, &c.

way, the said bridge from and after such acceptance shall be maintained by the said town of Harwich.

Section 3. This act shall take effect upon its passage.

Approved February 9, 1861.

Chap. 38. An Act to confirm the organization and proceedings of the Agawam Bridge Company.

Be it enacted, &c., as follows:

Records of clerk ratified.

Section 1. The organization of the Agawam Bridge Company, made on the twenty-eighth day of June, in the year eighteen hundred and fifty-six, and the further measures adopted to organize said corporation on the thirtieth day of June, in the year eighteen hundred and sixty, and all the proceedings of said corporation, under and by virtue of said organizations, or either of them, as the same are recorded in the books of record of the stockholders and directors of the same, now in the possession of George P. Geer, clerk of said corporation, are hereby ratified, fully established and confirmed, as the acts, doings and records of a legally organized corporation; and the persons elected and now acting as the officers of said Agawam Bridge Company, according to said records, are hereby confirmed in their respective offices, and authorized to perform all their respective official duties, until their successors are duly chosen and qualified; any defects or informalities in the organization or proceedings of said corporation, heretofore existing, to the contrary notwithstanding.

Acting officers confirmed.

Time for completion of bridge extended.

Section 2. The time within which said corporation was required by its charter to build and finish a bridge as therein authorized, is hereby extended to the first day of January, in the year eighteen hundred and sixty-four.

Approved February 9, 1861.

Chap. 39. An Act to authorize the Salem Five Cents Savings Bank to hold real estate.

Be it enacted, &c., as follows:

May hold real estate for banking purposes.

Section 1. The Salem Five Cents Savings Bank in the city of Salem, is hereby authorized to hold real estate within the city of Salem, to an amount not exceeding twenty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

Section 2. This act shall take effect upon its passage.

Approved February 9, 1861.

An Act making appropriation to pay certain expenses of the year one thousand eight hundred and sixty, and previous years. *Chap.* 40.

Be it enacted, &c., as follows:

Appropriations authorized. The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the treasury of the Commonwealth, upon the warrants of the governor, to meet certain expenses belonging to the year one thousand eight hundred and sixty, and previous years, to wit:

Bridge repairs. For repairs on Charles River and Warren Bridges, one thousand two hundred ninety-three dollars.

Land agent. For salary of the land agent for nine months, in the year eighteen hundred and sixty, seven hundred and fifty dollars.

For office expenses, twenty dollars.

Auditor's office. For expenses of auditor's office for the years eighteen hundred fifty-nine and eighteen hundred sixty, twenty-two dollars and fifty cents.

Rainsford Island hospital. For expenses of Rainsford Island Hospital for the year eighteen hundred sixty, thirty-five hundred dollars.

Legislature—contingencies. For contingent expenses of the legislature of the year eighteen hundred and fifty-eight, six dollars and sixty cents.

Printing — extra session. For printing account of the senate and house of representatives at extra session of the year eighteen hundred and sixty, one hundred and fifty dollars.

Secretary's department. For the secretary's department, three hundred and eighty-one dollars.

Adjutant-general's department. For the adjutant and quartermaster-general's department for the years eighteen hundred fifty-eight and eighteen hundred fifty-nine, twenty-six dollars and fifty-five cents.

Back Bay commissioners. For compensation of the Back Bay commissioners for the year eighteen hundred sixty, four hundred and five dollars.

Incidentals. For incidentals in the year eighteen hundred fifty-eight, thirty-eight dollars.

Insurance commissioners. For compensation of the insurance commissioners for the year eighteen hundred sixty, three hundred dollars.

Clerk. For salary of the clerk of said commissioners, one hundred dollars.

Expenses. For expenses of said commissioners for the year eighteen hundred fifty-nine, twenty-five dollars.

Printing. For printing for the commissioners for the year eighteen hundred sixty, four hundred and ninety-four dollars.

Alien commissioners. For expenses of the alien commissioners for the year eighteen hundred fifty-nine, sixteen dollars.

Marshpee Indians. For support of the Marshpee Indians for the year eighteen hundred sixty, sixty-five dollars and twenty-six cents.

Troy Indians. For support of the Troy Indians for the year eighteen hundred sixty, fifty dollars and sixty-three cents.

Printing—valuation committee. For printing for the valuation committee of the year eighteen hundred sixty, thirty-two hundred dollars.

Almshouse, Tewksbury. For expenses of the state almshouse at Tewksbury for the year eighteen hundred sixty, thirty-nine hundred and eighty-seven dollars and twenty-three cents.

Sheriffs' accounts. For sheriffs' accounts for the year eighteen hundred sixty, eight hundred and fifty dollars.

Repairs, furniture, etc.—Res. 1859. For repairs, improvements and furniture authorized by resolves, chapter forty-five, of the year eighteen hundred fifty-nine, seventy-three dollars and ninety-four cents.

Compensation — legislature. For compensation of members of the legislature of the year eighteen hundred sixty, ten dollars.

Improvements, state prison. For improvements at the state prison, authorized by resolves, chapter forty-nine, of the year eighteen hundred sixty, six hundred and thirty-three dollars and twelve cents.

Approved February 14, 1861.

Chap. 41. An Act to incorporate the North Adams Gas Light Company.

Be it enacted, &c., as follows:

Corporators. Section 1. Edward R. Tinker, Henry L. Dawes, John B. Tyler, their associates and successors, are hereby made a

Title. corporation by the name of the North Adams Gas Light

Purpose. Company, in Adams, for the purpose of manufacturing and

Privileges and restrictions. selling gas, in the town of Adams; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters and sections sixteen and seventeen of chapter sixty-one of the General Statutes.

Capital. Section 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

May open streets, sink pipes, &c. Section 3. Said corporation, with the consent of the selectmen of the town of Adams, shall have the power and authority to dig up and open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under

Proviso. the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict and control all acts and doings of such corporation, which may in

any manner affect the health, safety, convenience or property of the inhabitants of said town.

Approved February 14, 1861.

An Act making appropriations for expenses of the state almshouses and the hospital at Rainsford Island. *Chap.* 42.

Be it enacted, &c., as follows:

Section 1. The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the ordinary revenue, upon the warrants of the governor, for the purpose of meeting the current expenses of the institutions hereinafter named, for the quarter ending March thirty-first, in the year one thousand eight hundred and sixty-one, to wit: For current expenses quarter ending March 31.

For the state almshouse at Tewksbury, a sum not exceeding nine thousand dollars. Tewksbury.

For the state almshouse at Monson, a sum not exceeding eight thousand dollars. Monson.

For the state almshouse at Bridgewater, a sum not exceeding eight thousand dollars. Bridgewater.

For the hospital at Rainsford Island, a sum not exceeding five thousand dollars. Rainsford Island.

Section 2. This act shall take effect upon its passage.

Approved February 15, 1861.

An Act to authorize the treasurer and receiver-general to endorse notes of the United States. *Chap.* 43.

Be it enacted, &c., as follows:

Section 1. The treasurer and receiver-general of the Commonwealth is hereby authorized to guarantee, upon the request of the secretary of the treasury of the United States, the treasury bonds of the United States, to the amount of two millions of dollars, on such conditions as shall be agreed upon by the secretary of the treasury of the United States, and the governor and council of this Commonwealth. May guarantee bonds of U. S. Amount. Conditions.

Section 2. This act shall take effect upon its passage.

Approved February 15, 1861.

An Act to extend the time within which to construct a portion of the Midland Railroad. *Chap.* 44.

Be it enacted, &c., as follows:

The time within which the Midland Railroad Company may construct that portion of its railroad which was originally authorized under the act incorporating the Southbridge and Blackstone Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-two: *provided, however*, that any person whose land or other property has been taken by said railroad company, Time extended to May, 1862. Proviso.

shall have one year in addition to the time now allowed by law to avail himself of the remedies provided in the sixty-third chapter of the General Statutes.

Approved February 15, 1861.

Chap. 45. An Act to change the name of the Mechanics' Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Name changed. The Mechanics' Mutual Fire Insurance Company, of Worcester, shall hereafter be called and known by the name of the Worcester Manufacturers' Mutual Insurance Company.

Approved February 15, 1861.

Chap. 46. An Act to incorporate the Bowditch Manufacturing Company.

Be it enacted, &c., as follows:

Corporators. Section 1. George D. Phippen, William D. Pickman, J. Wiley Edmands, Francis Brown, and Josiah Spaulding, Title. their associates and successors, are hereby made a corporation, by the name of the Bowditch Manufacturing Company, Purpose. for the purpose of manufacturing cotton and other fibrous Location. materials, in the city of Salem, in the county of Essex; and Privileges and restrictions. for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto relating to manufacturing corporations.

Real estate. Section 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred Capital. thousand dollars; and the whole capital stock of said corpo- Shares. ration shall not exceed five hundred thousand dollars, in Proviso. shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation, until the sum of two hundred and fifty-thousand dollars of its capital stock has been paid in, in cash.

Section 3. This act shall take effect upon its passage.

Approved February 15, 1861.

Chap. 47. An Act in addition to an act to incorporate the Arkwright Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Additional powers granted. The Arkwright Mutual Fire Insurance Company, established in Boston, may, after providing for all losses and liabilities, distribute to the members severally entitled thereto, any surplus income of the business of said company, by issuing the scrip of the company therefor, on interest, payable within two years from its date; and the company may

continue to hold such surplus income, and appropriate the same, if necessary to the payment of losses, before any assessments are made on the members of the company; and such payments, if any, shall be deducted from the amount of such scrip at its maturity. *Approved February* 15, 1861.

An Act to incorporate the Quincy Railroad Company. *Chap.* 48.

Be it enacted, &c., as follows:

Section 1. William S. Morton, John J. Glover and Robert B. Leuchars, their associates and successors, are hereby made a corporation by the name and title of the Quincy Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks with suitable turnouts, from such point or points in the town of Quincy, upon and over the streets or highways therein, to the line separating said town from the town of Dorchester, as shall, from time to time, be fixed by vote of the selectmen of said town, and assented to in writing by said corporation, and thence upon and over either side of the Neponset Turnpike, so called, with authority to pass over such creeks and streams as their road traverses, by suitable bridges, when needed, and thence upon and over the Neponset Bridge, and such streets and highways in said town of Dorchester, as shall, from time to time, be fixed by vote of the selectmen of said town of Dorchester, and assented to by said corporation in writing, so as to connect with the Dorchester Avenue Railroad at Glover's Corner or Field's Corner, so called, at such points as may be agreed on in writing by said two railroad companies, and assented to by the selectmen of said last named town: *provided*, that all tracks of said Quincy Railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns shall, in their orders fixing the route of said railroad, respectively, determine to be for the public safety and convenience: *provided, further*, that before the location and construction of any track in any of said streets or highways, the selectmen of said towns, respectively, shall give notice to the abutters thereon, fourteen days at least before the hearing, that they may show cause, if any there be, why said tracks shall not be so located and constructed.

Corporators. Title. Powers. Location. Connection. Provisos.

Section 2. The location of said railroad over said Neponset Bridge, and the manner in which the same shall be built, and the construction of a draw or draws in said bridge, and the mode in which the same shall be tended, managed and opened, for the passage of vessels and the maintenance of that portion of said bridge on which said railroad is located

Location over Neponset Bridge.

and runs, shall be subject to the approval of the county commissioners of the county of Norfolk, while the said bridge continues to be a county road.

Connection with Dorchester Avenue or other road.

Section 3. The said Quincy Railroad Company shall have the right at the points of connection with the said Dorchester Avenue Horse Railroad, to enter upon and travel over with their cars and vehicles, the tracks of the said Dorchester Avenue Railroad, and any other railroad now connecting therewith in the city of Boston, upon terms to be agreed on in writing, by the respective companies interested; and in case of disagreement as to the mode of connection, or the manner, time or extent of use of said railways, respectively, or the compensation to be paid therefor, the same shall be adjusted and determined by three commissioners, to be appointed by the supreme judicial court upon petition of either of the parties interested; and the compensation of all commissioners appointed by said court, shall be paid by the parties in interest in equal shares.

Disagreement, how adjusted.

City and town authorities, rights of not impaired.

Section 4. Nothing in this act shall be construed to prevent the lawful authorities in said towns or city from taking up any of the streets or highways traversed by said railroad or its cars, for the purposes for which they may now lawfully take up the same.

Motive power, speed, and use of track.

Section 5. Said railroad shall be operated by horse-power only, and the selectmen of the said towns and the mayor and aldermen of said city, may at all times make such regulations as to the rate of speed and mode of use of the tracks laid or used by said Quincy Railroad within their respective highways and streets, as they may deem best for the public safety and convenience; and they shall also respectively have the power at any time after the expiration of one year from the opening of said railway for use, upon any street or highway on which the same may be located under this act, to order that the whole or any part thereof shall be discontinued, and thereupon, as to such part, the location shall be deemed to be revoked; and the tracks of said railway shall thereupon forthwith be removed, in conformity with such order, at the expense of said Quincy Railroad Company.

Real and personal estate.

Section 6. Said Quincy Railroad Company is hereby authorized to purchase and hold such real and personal estate within said towns and city, as may be needful or convenient for the purposes of its railroad; and also to fix from time to time such rates of compensation for transportation of persons or property, as they think expedient; and shall

Rates of fare, etc.

be subject to all general laws which have been or may hereafter be enacted relating to horse railroads.

Repairs of highways, etc.

Section 7. Said Quincy Railroad Company shall maintain and keep in repair such portion of the streets and highways in said towns, and of said Neponset Bridge, and of any other bridge, as shall be used for its tracks, and shall not incumber any other portion thereof; and shall be liable for any loss or injury that may be sustained by reason of any carelessness, neglect or misconduct of its agents or servants in the construction, management or use of said railway, streets and bridges; and in case any recovery shall be had against either of said towns or said city, or against any corporation, by reason of such carelessness, neglect or misconduct, said Quincy Railroad Company shall be liable to pay to said towns and city and corporation, respectively, the amount so recovered, and all reasonable costs of defending the suits in which such recovery may be had: *provided*, that said Quincy Railroad Company have due notice from said towns or city or other corporation, of the pendency of such suits, and due opportunity to take upon themselves the defence thereof, which they are hereby empowered to do.

Liable for injury from neglect, etc.

Liability to towns, etc., in case of recovery.

Penalty for obstructing tracks or highways.

Section 8. Any person who shall wilfully obstruct said company in the use of the tracks hereby authorized, or the passing of the cars thereon, or shall aid and abet therein, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the common jail not exceeding three months. If said Quincy Railroad Company or any of its agents or servants wilfully obstruct any street or highway, or the passing of carriages thereon, said company shall be punished by fine not exceeding five hundred dollars.

Right to purchase franchise &c., by towns of Quincy and Dorchester.

Section 9. The towns of Quincy and of Dorchester may at any time during the continuance of this charter, and after the expiration of ten years from the opening for use of said railroad, purchase of said company all its franchise, rights and property, by paying to said company therefor such a sum of money as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the issue or transfer of the stock to him, deducting the dividends received by such stockholder thereon.

Capital.

Section 10. The capital stock of said Quincy Railroad Company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and no shares shall be issued for a less amount to be actually paid in on each, than the par value of the shares which shall be first issued.

Par value of shares.

Bonds.

Section 11. Said Quincy Railroad is hereby authorized and empowered to issue bonds, in sums not less than one hundred dollars each, for the purpose of constructing and

Amount.

equipping their road, the amount thereof not to exceed the

How authenticated.

capital stock paid in, and to be approved, certified, recorded and secured, in the same way as the Cambridge Horse Railroad bonds heretofore authorized by law.

Annual returns.

Section 12. Said Quincy Railroad shall be deemed a railroad corporation so far as to make the annual returns to the legislature which are or may be required to be made by

Exemption.

law, but shall not be subject to the other provisions of law relative to railroad corporations except as provided in section six.

Right to sell franchise, &c.

Section 13. The Quincy Railroad Company is hereby empowered to lease or sell its franchise, rights and property, to the said Dorchester Horse Railroad Company, or to any other connecting horse railroad company, and in case of such sale the purchasing company shall be entitled to all the rights and privileges, and to be subject to all the liabilities of said Quincy Railroad Company in virtue of this charter.

Acceptance of charter.

Section 14. This act shall be void unless said charter shall be accepted by said Quincy Railroad Company, and said road located within one year from the date of the passage hereof.

Section 15. This act shall take effect upon its passage.

Approved February 15, 1861.

Chap. 49.

An Act in relation to the volunteer militia.

Be it enacted, &c., as follows:

Volunteer companies to be retained in service.

Section 1. The volunteer militia companies, as now organized, with their officers, shall be retained in the service; and, hereafter, as the public exigency may require,

Organization of companies.

the organization of companies of artillery may be authorized, on petition, by the commander-in-chief, with advice of the council, and the organization of other companies may be authorized, on petition, by the commander-in-chief, or by the mayor and aldermen or selectmen, by his permis-

Liability.

sion; and said companies so retained and so organized shall be liable on a requisition of the president of the United States upon the commander-in-chief, to be marched without

Additional companies to be disbanded in certain cases.

the limits of the Commonwealth: but all additional companies, battalions, and regiments, which may be organized under the provisions of this act, shall be disbanded, whenever the governor, or the legislature shall deem that their services are no longer needed. Companies of cavalry shall

be limited to one hundred privates and a saddler and a farrier; companies of artillery to forty-eight cannoneers, twenty-four drivers and a saddler and a farrier; the cadet companies of the first and second divisions, to one hundred, and companies of infantry and riflemen to sixty-four privates. Numbers prescribed of different companies.

Section 2. The fourteenth section of the thirteenth chapter of the General Statutes, and all laws or parts of laws now in force, limiting the number of the volunteer militia, are hereby repealed. Repealing section.

Section 3. This act shall take effect upon its passage.

Approved February 15, 1861.

An Act to incorporate the Peabody Manufacturing Company. *Chap.* 50.

Be it enacted, &c., as follows:

Section 1. Elijah W. Upton, Henry Poor, and Francis Dane, their associates and successors, are hereby made a corporation by the name of the Peabody Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of South Danvers, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all subsequent acts relating to manufacturing corporations. Corporators. Title. Purpose. Location. Privileges and restrictions.

Section 2. The capital stock of said corporation shall be four hundred thousand dollars, and they may hold real estate to the amount of three hundred thousand dollars. Capital. Real estate.

Section 3. The par value of the capital stock of said corporation shall be one hundred dollars per share, and no shares in said capital stock shall be issued for a less sum or amount than the par value. Shares.

Section 4. This act shall take effect from its passage.

Approved February 15, 1861.

An Act to authorize the Dorchester and Milton Branch Railroad Company to extend its railroad. *Chap.* 51.

Be it enacted, &c., as follows:

Section 1. The Dorchester and Milton Branch Railroad Company is authorized to extend its railroad from the present terminus at Mattapan, to some convenient point of intersection with the Midland Railroad in Dorchester, and to connect and unite said Branch Railroad with said Midland Railroad, as aforesaid, and use the same; with all the benefits, and subject to all the duties and liabilities set forth in the acts relating to railroad corporations and connecting roads; with the right, on the part of said corporation, to Union with Midland Railroad authorized. Right of lease or conveyance.

convey or lease its road, property and franchise to said Midland Railroad Company.

Time of location and completion fixed.

Section 2. If the location of said extension be not filed within two years from the passage of this act, or said extension be not completed within three years, this act shall be void.

Approved February 15, 1861.

Chap. 52. An Act establishing the boundary line between the towns of Brewster and Orleans.

Be it enacted, &c., as follows:

Boundary line defined and limited.

The line between the towns of Brewster and Orleans, between the points named, shall hereafter be established as follows, to wit: commencing at a stone monument standing on the westerly side of a county road, near the dwelling-house of Josiah Linnell, of Orleans, on the line between said towns, and marked "B. O."; thence southerly by the westerly line of said road, one hundred and nine rods; thence crossing said road at right angles, to the easterly line of said road; thence southerly, by the easterly line of said road, two hundred rods and six links; thence south forty-two and one-half degrees east, seven rods and seven links, to a stone monument marked "B. O.," standing in the present line between said towns.

Approved February 20, 1861.

Chap. 53. An Act authorizing the First Independent Church in Groveland to sell real estate.

Be it enacted, &c., as follows:

Deed of sale.

Section 1. The trustees for the time being of the First Independent Church in Groveland, are hereby authorized to sell their meeting-house and land, and the treasurer of said trustees for the time being is authorized to execute a deed for the conveyance thereof.

Application of proceeds.

Section 2. The proceeds of such sale shall be applied, first, to the payment of the debts of the proprietors, and the remainder to the pew-owners, in accordance with the appraisal made by the trustees after the house was altered.

Approved February 20, 1861.

Chap. 54. An Act to authorize Sylvanus N. Staples and William H. Phillips to build a wharf in Taunton.

Be it enacted, &c., as follows:

Limit of extent.

Sylvanus N. Staples and William H. Phillips, proprietors of land and flats situated in that part of Taunton known as Weir Village, and on the eastern side of Taunton River, extending from Plain Street to the land of Mrs. Sybil Paull, are hereby authorized to build and maintain thereon a wharf,

extending not exceeding three feet beyond the ordinary low-water mark in said river, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, *however*, this grant shall in no wise impair the legal rights of any person. Rights, privileges. Proviso.

Approved February 20, 1861.

An Act to reduce the capital stock and the number of the directors of the National Insurance Company of Boston. *Chap.* 55

Be it enacted, *&c.*, *as follows:*

Section 1. The National Insurance Company of Boston is hereby authorized to reduce its capital stock from five hundred thousand dollars to three hundred thousand dollars, and to divide the excess among the stockholders thereof proportionally. Amount of deduction.

Section 2. Said National Insurance Company is hereby authorized to reduce the number of its directors from twenty-five, to such number, not less than five, as shall be fixed upon at a legal meeting of the stockholders thereof. Number of directors.

Section 3. Said National Insurance Company may avail itself of, and is subject to all general laws of the Commonwealth relating to insurance corporations, so far as applicable to said company. Rights and restrictions.

Section 4. This act shall take effect when said company shall not be liable on any one risk, for a sum exceeding one-tenth part of the capital existing and surplus, after deducting all losses, claims, liabilities and debts due from the company. When to take effect.

Approved February 20, 1861.

An Act to incorporate the Abington Gas Light Company. *Chap.* 56.

Be it enacted, *&c.*, *as follows:*

Section 1. George W. Chipman, Joseph French, and Charles G. Easterbrook, their associates and successors, are hereby made a corporation by the name of the Abington Gas Light Company, for the purpose of manufacturing and selling gas, in the town of Abington; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes. Corporators. Title. Purpose. Powers, duties, &c.

Section 2. Said corporation may for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars; and the whole capital stock shall not exceed two hundred thousand dollars, in shares of one hundred dollars each. Real estate. Capital stock. Par value of shares.

Section 3. Said corporation, with the consent of the selectmen of the town of Abington, shall have power and Right to lay and repair pipes.

authority to open the ground, in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have power to regulate, restrict and control all acts and doings of the said corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town. *Approved February* 21, 1861.

Obligation to keep highways in repair.

Penalty.

Proviso.

Chap. 57. An Act authorizing the agricultural branch railroad company to change the location of its road.

Be it enacted, &c., as follows:

Authority is hereby granted to the Agricultural Branch Railroad Company, to change the location of its road in or near the town of Clinton. *Approved February* 21, 1861.

Chap. 58. An Act to confirm a lease made pursuant to the provisions of chapter one hundred and three of the resolves of the year eighteen hundred and fifty-nine.

Be it enacted, &c., as follows:

Lease confirmed.

Section 1. The lease made by the land agent, with the approval of the governor and council, to George Odiorne, dated December fourth, in the year eighteen hundred and sixty, giving a right of way not exceeding five rods wide, for a period of five years, across the flats and channels lying between the commissioners' line at the easterly shore of Wood Island, so called, at East Boston, and the town of Winthrop, is hereby confirmed to said Odiorne, his representatives and assigns, with all the powers, and subject to all the conditions and provisions in this act contained.

Powers conferred.

Section 2. Said Odiorne, his representatives and assigns, are authorized to build, maintain and use, during said term of five years, upon the strip of flats comprised in said lease, a temporary open pile bridge, with a suitable and convenient draw for the passage of vessels, which draw shall be always opened, on demand, for the passage of vessels which cannot pass under said bridge; said bridge to be so built and used, for the purpose of transporting gravel from Winthrop to East Boston, for the filling up of flats at said East Boston, the property of the East Boston Company, and for no other use or purpose whatever.

Conditions.

Bond required.

Section 3. Said bridge shall not be built until a good and sufficient bond, in the sum of five thousand dollars, with

sureties to be approved by the governor and council, and in form approved by the attorney-general, shall be filed in the office of the attorney-general, conditioned that at or before the expiration of said term of five years, said bridge shall be removed, and the piles thereof taken up, so that the same shall in no manner interfere with navigation over said flats and channel. And in case said bridge shall not be so removed, it shall be lawful for any person injured thereby, to remove the same, and to recover by an action upon said bond, in the name of the Commonwealth, all expenses incurred in such removal.

Conditions.

Proviso.

Section 4. Nothing herein contained shall be so construed, as to authorize said bridge to be used for the construction of a horse railroad, or for the transportation of passengers thereon. *Approved March* 1, 1861.

Use of bridge defined.

An Act to authorize the South Parish in Braintree to sell real estate, and to apply the avails thereof. *Chap.* 59.

Be it enacted, &c., as follows:

Section 1. Leave is hereby granted so far as the Commonwealth is concerned, to the South Parish in Braintree, to sell in fee simple the real estate heretofore devised to said parish by John R. Hollis, late of said Braintree, deceased, and to apply the proceeds of said sale, together with certain personal property with the accumulations thereof, also given to them by said Hollis, in his last will and testament, to the rebuilding of their church edifice.

Powers granted.

Application of proceeds.

Section 2. This act shall take effect upon its passage.

Approved March 1, 1861.

An Act to incorporate the Channing Home, in Boston. *Chap.* 60.

Be it enacted, &c., as follows:

Section 1. Charles P. Curtis, Jr., Theodore Metcalf, and J. Nelson Borland, their associates and successors, are hereby made a corporation, by the name of the Channing Home, in Boston, for the purpose of providing an asylum for poor invalids, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title.

Purpose.

Privileges and restrictions.

Section 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and personal estate to the amount of fifty thousand dollars.

Real and personal estate.

Section 3. This act shall take effect upon its passage.

Approved March 1, 1861.

Chap. 61. An Act to incorporate the Mechanics' Savings Bank, in Lowell.

Be it enacted, &c., as follows:

Corporators. William A. Burke, Samuel Fay, Andrew Moody, Benjamin C. Sargeant, Isaac Cooper, Alfred Gilman, John W. Smith, with their associates and successors, are hereby made a corporation, by the name of the Mechanics' Savings Bank in Lowell, to be established and located in the city of Lowell, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Title.

Location.

Powers, duties, &c.

Approved March 1, 1861.

Chap. 62. An Act to incorporate the East Cambridge Land Company.

Be it enacted, &c., as follows:

Corporators. Section 1. James C. Dunn, Estes Howe, Henry Potter, Joseph H. Converse, and Edmund Munroe, their associates and successors, are hereby made a corporation, by the name of the East Cambridge Land Company, with all the powers and privileges, and subject to the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land and flats situated in Cambridge, and bounded westerly by Portland Street, southerly by Hampshire Street and Broadway, easterly by the commissioners' line on Charles River, and northerly by Bridge and Cambridge Streets; with all the privileges and appurtenances thereto belonging.

Title.

Powers, duties, &c.

Limits of tract authorized to hold.

Power to sell, &c. Section 2. Said corporation shall have power to sell and convey, lease, mortgage or otherwise dispose of said corporate property or any part thereof, and to manage and improve the same, with authority to construct dams, docks, wharves and buildings, and to lay out streets and passage-ways and otherwise improve the same, as it shall be deemed expedient: *provided*, that nothing herein contained shall give said corporation any right not belonging to the riparian proprietors, to extend their wharves or otherwise improve said premises.

Streets and improvements.

Proviso.

Capital. Section 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Shares.

Duration. Section 4. This act shall be in force for a term of twenty years, unless sooner repealed by the legislature.

Approved March 1, 1861.

An Act to incorporate the Salem and South Danvers Railroad Company. *Chap.* 63.

Be it enacted, &c., as follows:

Section 1. William Sutton, George Osborne, Sidney C. Bancroft, Henry L. Williams, and Benjamin C. Perkins, their associates and successors, are hereby made a corporation, by the name of the Salem and South Danvers Railroad Company; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the town of South Danvers as shall be fixed by the selectmen of the said town, with the assent in writing of said corporation, filed with said selectmen, and upon and over such of the streets and highways of said town as shall be from time to time fixed and determined by said selectmen, with the assent in writing of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the city of Salem; and then upon and over such of the streets and highways of the city of Salem as shall be from time to time fixed and determined by the mayor and aldermen of said city, with the assent in writing of said corporation filed with the city clerk of said city, and also over and upon such other land in said town or city as said corporation may elect to build their road or roads upon and over. Said railroad track or tracks shall be laid at such distance from the sidewalks in said town or city as the selectmen of said town and the mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

Corporators. Name. Powers. Location. Tracks, how laid.

Section 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in said town of South Danvers or said city of Salem, the selectmen of said town or mayor and aldermen of said city, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen or mayor and aldermen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

Notice to abutters.

Section 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town and mayor and aldermen of said city, respectively, shall, by their votes, fixing and deter-

Construction and maintenance of road.

mining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, the sole expense of said alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town or of the mayor and aldermen of the city within which it is proposed to be made, shall first be obtained.

Alteration of grade of street.

Mode of use and rate of speed.

Section 4. Said tracks or road shall be operated and used with horse-power only; and the selectmen of said town and mayor and aldermen of said city, shall have power at all times to make all such regulations as to the rate of speed, and mode of use of the tracks, as the public convenience and safety may require, within the limits of their respective corporations.

Capital.

Section 5. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

May hold real estate.

Section 6. Said corporation shall have power to purchase and hold such real estate within said town of South Danvers and city of Salem, or either of them, as may be convenient or necessary for the purposes and management of said railroad.

Existing corporate rights.

Section 7. Nothing in this act shall be construed to prevent the selectmen of said town, or the mayor and aldermen of said city, or the Salem and Danvers Aqueduct Company, or the Salem Gas Light Company, from entering upon and taking up any of the public streets or bridges traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Corporation to maintain highways, and be liable for injuries from mismanagement.

Liability for recoveries against city or town.

Section 8. Said corporation shall keep and maintain in repair such portions of the streets and bridges, respectively, as shall be occupied by their tracks, or injured thereby, and shall be liable for all loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents or servants, in the management, construction or use of said tracks, roads or bridges; and in case any recovery shall be had against said town or city, by reason of any defect or want of repairs in the streets or bridges, caused by the corporation or its servants, said corporation shall be liable to pay said town or city, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such suit or suits in which recovery may be had; and said corporation shall not use

any portion of the streets or bridges not occupied by said road or tracks. Use of highway.

Section 9. If any person shall wilfully and maliciously obstruct said corporation or their agents in the use of said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. And if said corporation or its agents or servants shall wilfully and maliciously obstruct any highway, or passing of any carriage over the same, said corporation shall be punished by a fine not exceeding five hundred dollars. Penalty for obstructing corporation. Obstruction by corporation, penalty for.

Section 10. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine. Rates of fare and freight. Powers and duties, general.

Section 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the selectmen of said town, or mayor and aldermen of said city, respectively, may, by a vote of the major part thereof, determine as to so much of said track as is located within their respective limits, that the same or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed in conformity with such vote or order of said selectmen or mayor and aldermen; and such taking up and removal shall be at the expense of said railroad corporation. Track may be discontinued by municipality in one year. Removal to be at corporation's expense.

Section 12. The town of South Danvers and city of Salem, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received Salem and South Danvers may purchase franchise, &c., after ten years. Conditions.

by said stockholder thereon; said town or city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Character and liabilities of corporation.

Section 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to all existing provisions of law for the taking of land, and the assessment and payment of damages for land outside of the streets, taken by them for their tracks, and also to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed, relative to horse or street railroads.

Acceptance of act.

Section 14. This act shall be void so far as relates to the right to construct said road in said town or city unless the same shall be accepted by the selectmen of said town and mayor and aldermen of said city, respectively, and by said corporation, and unless said railroad shall be constructed within one year from the passage of this act.

Section 15. This act shall take effect upon its passage.

Approved March 1, 1861.

Chap. 64. An Act to incorporate the Massachusetts Eclectic Medical Society.

Be it enacted, &c., as follows:

Corporators.

Section 1. William E. Underwood, Joseph Jackson, Seth C. Ames, C. Edward Miles, F. H. Kelley, W. C. George, H. W. Buxton, R. W. Geddes, Job T. Dickins, H. S. Dearborn, Paul W. Allen, W. Edwin Wright, E. E. Spencer, their associates and successors, physicians, are hereby made a corporation by the name of the Massachusetts Eclectic Medical Society, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Name.

Privileges and restrictions.

Real estate.

Section 2. Said corporation may hold real and personal estate to the amount of fifty thousand dollars.

Examination for membership.

Section 3. The members of said society, or such of their officers or members as they shall appoint, shall have full power and authority to examine all candidates for membership, concerning the practice of medicine and surgery, and if, upon such examination, the said candidates shall be found qualified for membership, they shall receive the approbation of the society.

Sect. 4. This act shall take effect upon its passage.

Approved March 2, 1861.

An Act to incorporate the Northampton and Shelburne Falls Railroad Company. *Chap.* 65.

Be it enacted, &c., as follows:

Corporators. Section 1. Lewis Bodman, A. D. Saunders, D. G. Littlefield, Charles N. Yeamans, Luther Bodman, Jr., Joel Hayden, Ebenezer G. Lamson, Samuel L. Hill, their associates and successors, are hereby made a corporation by the name of Name. the Northampton and Shelburne Falls Railroad Company, with all the powers and privileges, and subject to all the Privileges and restrictions. duties, liabilities and restrictions, set forth in the sixty-third chapter of the General Statutes, and in all other general laws which have been or shall be hereafter passed relative to railroad corporations.

Location. Section 2. Said company are empowered to locate, construct and maintain a railroad, with one or more tracks, from a point in the town of Northampton, by the most convenient route, through the towns of Williamsburg, Whately, Conway, and Buckland, to the village of Shelburne Falls.

Power to connect, merge, lease, &c. Section 3. Said company may contract with the stockholders of any roads with which it may connect, for the merging of the stock of said roads, or for the running and operating of said roads conjointly, or for the leasing of said roads, or for the hiring of their own road, upon such terms as the directors of said roads may agree, with the assent of the votes of three-fourths of the stockholders of said respective roads, voting thereon at a meeting called for that purpose.

May unite with Hampshire and Hampden and with Troy and Greenfield companies. Section 4. Said corporation may enter upon and unite their railroad with the Hampshire and Hampden Railroad by proper turnouts and switches at some convenient point in Northampton, at or near the engine-house of the said road. The said Northampton and Shelburne Falls Railroad Company may also enter upon and unite their railroad with the Troy and Greenfield Railroad by proper turnouts and switches at some convenient point in the village of Shelburne Falls, and may use the same under the provisions and restrictions of the laws relating to the use of railroads in this Commonwealth.

Construction. Section 5. Said company are authorized to construct their road by sections; the first section to extend from the said point in Northampton to a point in Williamsburg; the second section to extend from the point in Williamsburg to a point in Conway; the third section to extend from the point in Conway to the northern terminus in Shelburne Falls.

Capital stock. Section 6. The capital stock of said road shall consist of four thousand and eight hundred shares of one hundred dollars each, and the company may purchase and hold such Real estate.

real and personal estate as may be necessary for the purposes of its incorporation.

Conditions of construction—first section.

Section 7. Said company may commence the construction of the first section when one thousand two hundred shares of said capital stock shall have been subscribed for by responsible parties, and twenty per centum paid on each of said one thousand two hundred shares, and a certificate thereof, subscribed and sworn to by the president and a majority of the directors, shall be filed in the office of the secretary of the Commonwealth.

Second section.

Section 8. Said company may commence the second section whenever an additional one thousand seven hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per centum paid thereon, and a certificate thereof filed as aforesaid.

Third section.

Section 9. Said company may commence the third section whenever an additional one thousand nine hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per centum paid thereon, and a certificate thereof filed as aforesaid.

Limitation for filing location.

Section 10. If the location of any section of said road shall not be filed within two years, and any section shall not be constructed within five years, the company shall not thereafter be authorized to complete such section or sections.

Approved March 5, 1861.

Chap. 66.

An Act to incorporate the Boston Penny Savings Bank.

Be it enacted, &c., as follows:

Corporators.

Amos B. Merrill, Edward A. Raymond, Pliny Nickerson, Alden Speare, Moses Kimball, Albert J. Wright, R. K. Potter, Zibeon Southard, John P. Robinson, George H. Davis, Job A. Turner, Joseph F. Paul, Jesse Holbrook, A. A. Ranney, C. A. Richards, Judah Sears, Hiram Emery, Benjamin Smith, Charles G. Greene, Francis J. Parker, William Brigham, Stephen Smith, William Fox Richardson, George Eaton, Joseph T. Bailey, their associates and successors, are hereby made a corporation by the name of the Boston Penny Savings Bank, to be located at such place in Boston, near Dover Street, as such corporation determines; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and all other laws of the Commonwealth relating to savings banks.

Name.

Privileges and restrictions.

Approved March 9, 1861.

AN ACT TO PROVIDE FOR THE INSPECTION OF STRAW. *Chap.* 67.

Be it enacted, &c., as follows:

Statutes to apply.

SECTION 1. The forty-ninth chapter of the General Statutes is hereby so far amended, that all the provisions relating to the inspection, weighing, branding, and sale of pressed or bundled hay, shall also apply to pressed or bundled straw.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1861.

AN ACT TO INCORPORATE THE NATICK GAS LIGHT COMPANY. *Chap.* 68.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John B. Walcott, G. P. Fay, Leonard Winch, their associates and successors, are hereby made a corporation, by the name of the Natick Gas Light Company, for the purpose of manufacturing and selling gas in the town of Natick, with the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and in all other acts passed subsequent thereto, relating to manufacturing corporations.

Name.

Privileges and restrictions.

Real estate.

Capital.

SECTION 2. Said corporation may, for all the purposes aforesaid, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars.

Power to open public ways.

SECTION 3. Said corporation may, with the consent of the selectmen of the town of Natick, dig up and open the ground in any of the highways, town ways, streets or lanes of said town, so far as is necessary to accomplish the objects of the corporation; but such consent shall not affect the right or remedy to recover damages, for any injury which shall be caused to persons or property, by the doings of said corporation. Said corporation shall put all such highways, town ways, streets or lanes, so opened, into as good repair as they were in when opened by them, and upon failure to do so, within a reasonable time, shall be deemed guilty of a nuisance.

Shall repair same.

Powers of selectmen.

SECTION 4. The selectmen of the town of Natick may regulate, restrict and control, all the acts and doings of said corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

SECTION 5. This act shall take effect upon its passage.

Approved March 9, 1861.

Chap. 69. An Act in addition to an act to incorporate the Great Pasture Company in the city of Salem.

Be it enacted, &c., as follows:

Additional powers granted.

Section 1. The Great Pasture Company in the city of Salem, is hereby empowered to purchase and hold in addition to the lands now held by said company, and for the same uses and purposes for which it now holds its lands, a parcel of land containing about twenty acres, which is bounded as follows, namely: north-westerly by lands of said company, north-easterly by lands of Stearns, south-easterly by the Mill Pond, so called, and south-westerly by lands of Derby and others.

Section 2. This act shall take effect upon its passage.

Approved March 9, 1861.

Chap. 70. An Act to incorporate the Fall River Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Corporators. Name. Purposes. Privileges and restrictions.

Guilford H. Hathaway, Benjamin F. Winslow, Baylies Chace, their associates and successors, are hereby made a corporation by the name of the Fall River Mutual Fire Insurance Company, to be established in the city of Fall River, for the purposes of effecting mutual insurance upon dwelling-houses, other buildings and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to mutual fire insurance companies. *Approved March* 9, 1861.

Chap. 71. An Act authorizing the towns of Shelburne and Buckland to make an appropriation for military purposes.

Be it enacted, &c., as follows:

May appropriate $500. Provided.

The towns of Shelburne and Buckland, in the county of Franklin, are hereby authorized to appropriate, each, a sum not exceeding five hundred dollars, for the purpose of purchasing suitable uniforms for the use of the members of Company H, of the tenth regiment of the Massachusetts Volunteer Militia: *provided, however*, that the towns aforesaid at a public town meeting legally held for that purpose, and two-thirds of the voters being present and voting thereon, shall vote to make such appropriation.

Approved March 15, 1861.

Chap. 72. An Act concerning banks and banking.

Be it enacted, &c., as follows:

Application of statutes.

Sections third, fourth and fifth, of chapter two hundred and nine, of the acts of the year eighteen hundred and

sixty, shall not apply to banks or banking companies organized under the general banking laws of this Commonwealth, but the bank bills of all such corporations shall continue to be furnished by the auditor of accounts, according to the provisions of chapter fifty-seven of the General Statutes.

Approved March 15, 1861.

An Act in addition to an act to incorporate the Howard Fire Insurance Company. *Chap.* 73.

Be it enacted, &c., as follows:

Name changed and location established. The Howard Fire Insurance Company in the city of Lowell, county of Middlesex, is hereby authorized to have its principal office in the city of Boston, and its corporate name shall hereafter be the Howard Fire Insurance Company.

Approved March 15, 1861.

An Act to incorporate the Little Sipwissett Cranberry and Fishing Company in the town of Falmouth. *Chap.* 74.

Be it enacted, &c., as follows:

Section 1. Barnabus Bowerman, Silas Gifford, and Prince G. Moore, their associates and successors, are hereby made a corporation, by the name of the Little Sipwissett Cranberry and Fishing Company, for the purpose of improving and regulating the Little Sipwissett Meadow, in the town of Falmouth, by flowing and draining said meadow as the company shall deem best for the culture of cranberries, and also for the purpose of regulating and protecting the alewive fishery in a pond in said meadow, and in the river leading from said pond to Buzzard's Bay. Corporators. Name. Purpose.

Section 2. Said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes. Privileges and restrictions.

Section 3. Whoever shall obstruct the passage of alewives between said pond and bay, in either direction, or without the permission of said corporation shall take any alewives from said pond or river, or shall set, drag or shoot any seine in Buzzard's Bay, within fifty rods of the mouth of said river, for the purpose of taking alewives therefrom, shall forfeit a sum not exceeding twenty dollars, which shall inure to the benefit of the company. Penalty for infringement upon rights of corporation.

Section 4. This act shall take effect upon its passage.

Approved March 15, 1861.

Chap. 75. An Act to authorize the Fairhaven Institution for Savings to hold real estate.

Be it enacted, &c., as follows:

May hold $10,000

Section 1. The Institution for Savings in the town of Fairhaven, in Bristol County, is hereby authorized to hold real estate within the town of Fairhaven, to the amount of ten thousand dollars: *provided*, that all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

Proviso.

Section 2. This act shall take effect upon its passage.

Approved March 15, 1861.

Chap. 76. An Act to amend the charter of the Boston and Southern Steamship Company.

Be it enacted, &c., as follows:

Routes of navigation defined.

The steamships owned or chartered by the Boston and Southern Steamship Company, may be employed and navigate the ocean between any of the ports of the United States, excepting Philadelphia and Baltimore, or between any of the ports of the United States, and any port or ports of the Island of Cuba, or of Mexico, or of Central America, or of any of the colonial dependencies of Great Britain: *provided*, that if under this charter the steamers, or either of them, of the Boston and Southern Steamship Company, shall be employed between Boston and New Orleans, they shall be withdrawn from New Orleans, whenever in the judgment of the directors of the Union Steamship Company, the interests of said Union Steamship Company are prejudiced thereby; in such case, it shall be the duty of the directors of the Union Steamship Company, to request in writing, the directors of the Boston and Southern Steamship Company, to discontinue their steamers in said service, within thirty days from the date of said request.

Proviso.

Approved March 15, 1861.

Chap. 77. An Act to incorporate the Franklin Savings Bank of Boston

Be it enacted, &c., as follows:

Corporators.

Section 1. Osmyn Brewster, John H. Thorndike, L. Miles Standish, Daniel Davies, Henry N. Hooper, Frederick H. Stimpson, John Cowdin, Frederic W. Lincoln, Jr., Nathaniel J. Bradlee, Uriel Crocker, Franklin Darracott, Charles U. Cotting, Francis C. Manning, Otis Norcross, Calvin W. Clark, James H. Beal, Jacob Sleeper, Alexander S. Wheeler, Benjamin C. Clark, Jr., Alexander H. Rice, their associates and successors, are hereby made a corporation, by the name of the Franklin Savings Bank of the city

Name.

of Boston, and located in said city, east of Washington Street, between Summer and Essex Streets, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and all other laws of this Commonwealth relating to institutions for savings. Privileges and restrictions.

Section 2. This act shall take effect upon its passage.

Approved March 15, 1861.

An Act increasing the expenditures and compensation of the agent for discharged convicts. *Chap.* 78.

Be it enacted, &c., as follows:

Section 1. Section sixty-six, chapter one hundred seventy-nine, of the General Statutes, is hereby so amended that the expenditures therein specified may be increased to an amount not exceeding one thousand dollars in any one year. Expenditures.

Section 2. The annual compensation of the agent for discharged convicts shall be eight hundred dollars, commencing January first, in the year eighteen hundred and sixty-one. Agent's salary.

Approved March 18, 1861.

An Act concerning the Eastern Avenue Corporation. *Chap.* 79.

Be it enacted, &c., as follows:

Section 1. The provisions of chapter twenty-one, of the acts of the year one thousand eight hundred and sixty, authorizing the Eastern Avenue Company to change their location, are hereby extended to January first, in the year eighteen hundred and sixty-two. Provisions of Act of 1860 extended.

Section 2. So much of said avenue as shall be built within the commissioners' line, established May twenty-fifth, in the year one thousand eight hundred and fifty-three, for solid structure, may, with the consent of the mayor and aldermen of the city of Boston, be built solid; and said city of Boston is hereby authorized to grant aid to said corporation, in such manner, and upon such conditions, as the said city may deem expedient: *provided*, said avenue shall be constructed with suitable draw or draws, and proper sluiceways, which draw or draws it shall be in the power of the legislature to change and widen, at the expense of the corporation, or their successors. Construction of avenue. Proviso.

Section 3. This act shall take effect upon its passage.

Approved March 20, 1861.

An Act to authorize the Fairhaven Branch Railroad Company to convey its franchise and property. *Chap.* 80.

Be it enacted, &c., as follows:

Section 1. The Fairhaven Branch Railroad Company, for the benefit of the creditors thereof, is authorized to Conveyance authorized.

transfer by deed, its franchise, with all its property, privileges and duties; and all attachments, if any, upon said franchise or property, shall be thereby dissolved.

Authority to purchase conferred upon other railroad corporations.

Section 2. Any railroad corporation now incorporated in this Commonwealth, is hereby authorized to purchase the same, at public or private sale, and receive a transfer thereof; and if such transfer shall be made to any such railroad corporation, then from and after the delivery of the deed of transfer, the present corporation shall cease, and the railroad corporation receiving such grant, shall not be required to hold separate meetings as the Fairhaven Branch Railroad Company, but shall do all acts relating to its new duties and rights, at its own regular or special meetings, or by its own directors; and all expenses incident to the management of the subject of such transfer, and all profits arising therefrom, shall be borne by and accrue to such railroad corporation. But said grantee shall not be liable for the debts of said Fairhaven Branch Railroad Company.

Conditions of transfer to individuals.

Section 3. If such transfer shall be made to any other persons than to such incorporated railroad company, then such persons and their associates shall organize anew, under the charter of said Fairhaven Branch Railroad Company; and until such organization, shall not enjoy the rights and privileges of said charter. But such newly organized corporation shall not be liable for the debts of the former corporation.

Proceeds of transfer, how appropriated.

Section 4. The proceeds of said franchise and property shall, upon the transfer of the same, be forthwith appropriated by the directors of the company making said transfer, to the payment, *pro rata*, of its debts and liabilities, and any balance that may remain, over said debts and liabilities, shall be divided, *pro rata*, among the stockholders.

Directors may mortgage franchise.

Section 5. Said Fairhaven Branch Railroad Company is authorized, (if its directors shall so elect,) to mortgage its franchise, property and privileges, which mortgage shall be to trustees, to secure bonds to be issued in accordance with the sixty-third chapter of the General Statutes.

Section 6. This act shall take effect upon its passage.

Approved March 21, 1861.

Chap. 81. An Act concerning the Waltham and Watertown Railroad Company.

Be it enacted, &c., as follows:

May sell franchise, etc.

Section 1. The Waltham and Watertown Railroad Company are hereby authorized to sell their railroad, its franchise and all its property, to the Cambridge Railroad Company,

or any other company with which it may connect; and they may enter upon and use the tracks of said Cambridge Railroad, and of any other road with which they may so connect; and in case said parties cannot agree upon the terms upon which they shall enter upon and use such connecting road, the same shall be decided by three commissioners, to be appointed by the supreme judicial court. Terms, how decided.

Section 2. If the said Waltham and Watertown Railroad Company shall sell their railroad property and franchise to the Cambridge Railroad Company, said corporations shall therefrom become one corporation, under the name of the Cambridge Railroad Company; and all the powers and privileges now enjoyed by, and all the restrictions, liabilities and obligations, imposed upon said two corporations, by virtue of their respective charters, shall appertain to said united corporation, in the same manner as if the same had been contained in, or acquired under the original charter of the Cambridge Railroad Company. Consolidation with Cambridge Company decreed in case of sale to.

Section 3. The said Waltham and Watertown Railroad Company are hereby authorized, and shall have power to fix such rates of compensation for transporting persons and property as they may think expedient: *provided*, *however*, that fares in the several towns of Waltham and Watertown, shall not exceed five cents for each passenger. Rates of fare and transportation. Proviso.

Section 4. This act shall take effect upon its passage.

Approved March 21, 1861.

An Act in relation to the Worcester Agricultural Society. *Chap.* 82.

Be it enacted, &c., as follows:

Section 1. The Worcester Agricultural Society shall hereafter commence its annual exhibitions on the last Thursday but one in September. Annual exhibition.

Section 2. This act shall take effect upon its passage.

Approved March 21, 1861.

An Act to establish the boundary line between Hingham and Abington. *Chap.* 83.

Be it enacted, &c., as follows:

The boundary line between the towns of Hingham and Abington shall be established as follows, to wit: beginning at a stone monument marked "A. H.," standing on the westerly side of, and near Accord Pond, being a known and anciently reputed bound between said towns, and in the Patent or Old Colony Line; thence with said Patent Line, south seventy-three degrees and eighteen minutes west, about five hundred and fifty-four rods, to a stone monument at the south-east corner of Weymouth, marked "W. A." Boundary defined.

Approved March 21, 1861.

Chap. 84.

An Act relating to monuments on town lines.

Be it enacted, &c., as follows:

Selectmen to erect engraved monuments.

It shall be the duty of the selectmen of the several towns in this Commonwealth to cause a stone monument, with the initials of the name of the towns engraved thereon, to be placed on town lines wherever a highway crosses said lines, the expense of which shall be paid equally by the adjoining towns. *Approved March* 21, 1861.

Chap. 85.

An Act to abolish the office of land agent.

Be it enacted, &c., as follows:

Office abolished.

Section 1. The land office, established for the management and sale of lands, flats and shores belonging to the Commonwealth, is hereby abolished.

Back Bay commissioners invested with powers, and title changed.

Section 2. The commissioners on the Back Bay shall hereafter be known as the commissioners on Public Lands; and in addition to their powers and duties as commissioners on the Back Bay, shall hereafter have and exercise all the powers now by law conferred upon, and perform all the duties now by law required of, the land agent.

Section 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

Section 4. This act shall take effect upon the first day of April, in the year eighteen hundred and sixty-one.

Approved March 21, 1861.

Chap. 86.

An Act to establish the boundary line between Abington and Randolph.

Be it enacted, &c., as follows:

Boundary defined.

The boundary line between the towns of Abington and Randolph, shall be established as follows, to wit: beginning at a stone monument marked "A. W." standing at the south-west corner of Weymouth, and in the Patent or Old Colony Line; thence with said line, south, seventy-three degrees eighteen minutes west, about three hundred and eighty-nine rods, to a stake, standing two hundred and eighty-six feet north, one and one-half degrees east, from a stone monument marked "A. N. B," standing as the reputed north-east corner of North Bridgewater.

Approved March 21, 1861.

Chap. 87.

An Act in relation to the payment of salaries.

Be it enacted, &c., as follows:

Certain salaries payable monthly.

Section 1. The salaries heretofore payable quarter-yearly, of all persons employed in the several departments which

have offices in the state house, shall be payable monthly, on the first day of each month.

Section 2. This act shall take effect upon its passage.

Approved March 21, 1861.

An Act concerning the Boston Society of Natural History. *Chap.* 88.

Be it enacted, &c., as follows:

Section 1. The Boston Society of Natural History shall have power to hold real and personal estate, the clear annual income whereof shall not exceed the sum of ten thousand dollars, nor be applied to any other purposes than the encouragement and promotion of the science of natural history. May hold real estate for certain purposes.

Section 2. This act shall take effect upon its passage.

Approved March 21, 1861.

An Act to incorporate the Winthrop Railroad Company. *Chap.* 89.

Be it enacted, &c., as follows:

Section 1. Charles L. Bartlett, John Belcher, Richard Shackford, George Odiorne, and Josiah W. Hubbard, their associates and successors, are hereby made a corporation under the name of the Winthrop Railroad Company, with power to construct, maintain and use, a railway or railways with convenient single or double tracks, commencing in that part of the city of Boston called East Boston, at such point or points of intersection with the Suffolk Railroad, as shall be fixed and determined by the board of aldermen of said city, and assented to in writing by this corporation; thence upon and over such streets or highways in said East Boston and Breed's Island, so called, as may be fixed and determined by said board of aldermen, and assented to in writing by this corporation, to the dividing line between said city and Winthrop; thence from said dividing line upon and over such streets or highways in said Winthrop, to such point or points therein as the selectmen of said town may fix and determine, and as may be assented to in writing by this corporation. Corporators. Name. Powers. Location.

Section 2. Said railroad shall be operated by this company with horse-power only. Motive-power.

Section 3. Said corporation shall have a right to connect their railroad with the Suffolk or any other horse railroad in said East Boston, at such point or points of intersection as shall be designated by the board of aldermen of said city, and assented to in writing by this corporation; but shall have no right to run their cars over said railroads or use them in any manner, without the assent of such May connect with other roads with consent of aldermen.

corporations, and only on such terms as may be mutually agreed upon. The Suffolk Railroad Company, and all other railroad companies with which this company may connect, shall furnish the motive-power to draw the cars and passengers of said Winthrop Railroad Company over such portions of their respective roads as shall be designated by the board of aldermen of said city; and the terms upon which, and the periods of time at which, such cars and passengers shall be drawn over said Suffolk Railroad, and other railroads, shall be determined in case of disagreement between said companies, in the manner provided in the one hundred and seventeenth section of the sixty-third chapter of the General Statutes regulating the use of connecting railroads: *provided, however*, that said Suffolk Railroad Company shall have the prior right to extend their railroad over so much of the aforesaid route as lies within said East Boston, or any part thereof, if they shall construct such extension within sixty days after said Winthrop Railroad Company shall have given notice to said Suffolk Railroad Company of their desire to connect with said Suffolk Railroad, and shall have completed a reasonable portion of their said road within the town of Winthrop. And if said Suffolk Railroad Company shall fail to construct such extension within the time herein specified, the right to construct the same, or such part thereof as said Suffolk Railroad Company shall fail to construct, as aforesaid, shall vest in said Winthrop Railroad Company.

Motive-power over other roads.

Conditions, how determined.

Proviso.

Construction, conditions of.

Notice to abutters.

Section 4. Before proceeding to locate the track or tracks in any of the streets or highways in said East Boston, or the town of Winthrop, the board of aldermen of said city, and the selectmen of said town, shall give notice thereof to the abutters on said streets or highways by publication in such newspapers as they shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and the manner of constructing said track; and such abutters may then and there appear and show cause, if any there be, why said track or tracks should not be so located and constructed.

Gauge, grade, &c., how determined.

Alteration.

Section 5. Said railroad shall be constructed and maintained in such manner and form, and upon such gauge and grade as the board of aldermen of said city and the selectmen of said town shall prescribe and determine; and whenever said corporation desire to alter the grade of any street or highway occupied by it, such alteration shall be made at the sole expense of said corporation.

Section 6. The board of aldermen of said city and the selectmen of said town shall regulate the speed and mode of use of said railroad, and may at any time order up the tracks, or so much thereof as they shall think proper, at the expense of said corporation. Speed. Removal of tracks.

Section 7. Said railroad shall keep in repair such portions of the streets as shall be occupied by their track, and shall be liable for all losses and injury sustained by any person by reason of carelessness, negligence or misconduct of its agents or servants. Repair of streets. Liability for losses.

Section 8. Said corporation is authorized and empowered to sell, lease or transfer its franchise, and all its property, rights and privileges, or any part thereof, to any other like corporation, on such terms as may be mutually agreed upon between the parties, and make and execute all papers and instruments necessary for that purpose; and the corporation receiving the same shall have all the rights, and be subject to all the requirements, restrictions and liabilities, herein contained; said corporation may, in the same manner, purchase and hold the rights and property of any other similar corporation. When a sale or purchase is made, the capital stock shall become a part of the capital stock of the purchasing corporation. May transfer franchise, &c. May purchase rights. Consolidation of stocks.

Section 9. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of fifty dollars each. Capital.

Section. 10. Said corporation shall have power to purchase and hold such real estate in the city of Boston and the town of Winthrop as may be necessary and convenient for the purpose of managing said road. Real estate.

Section 11. Nothing in this act shall be construed to prevent said city or town from taking up any of the streets traversed by said railroad, for any purpose for which they may now lawfully take up the same. Municipal rights.

Section 12. If any person shall wilfully or maliciously disturb said corporation, or its agents, in the use of said road or its tracks, or the passing of the cars thereon, such persons, and all aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the county jail for a period not exceeding three months. If said corporation, or its agents or servants shall wilfully or maliciously obstruct any highway or the passing of any person over the same, said corporation shall be punished by a fine not exceeding five hundred dollars. Penalty for obstructing corporation. For obstruction by corporation.

Section 13. The aforesaid city and town may at any time after the expiration of ten years from the opening of City and town may purchase franchise.

said road for use, purchase of said corporation all the franchise, rights and property of said corporation, by paying them therefor, a sum equal to the whole amount invested, with a net profit of ten per cent. per annum.

Annual returns, &c.

Section 14. Said corporation shall be deemed to be a railroad corporation so far as to be subject to such annual returns to the legislature as are or may be prescribed by law, and all such general provisions of law as are or may be prescribed respecting horse railroads.

Conditions of force of act.

Section 15. This act of incorporation shall be void, unless accepted by the board of aldermen of said city, and the selectmen of said town; and unless such road is located by them within two years from the passage of this act: and if the selectmen of said town refuse to accept said charter, or locate said road, the same may be accepted and located by the legal voters of said town.

Rates of fare and freight.

Section 16. Said corporation shall have power to fix from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Privileges and restrictions.

Section 17. This act shall take effect upon its passage.

Approved March 22, 1861.

Chap. 90.

An Act to incorporate the Belmont Horse Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Section 1. Frederic Tudor, Winthrop W. Chenery, J. Varnum Fletcher, Samuel O. Mead, John L. Alexander, Edward B. Grant, their associates and successors, are hereby

Name.

made a corporation, by the name of the Belmont Horse Railroad Company; with power to construct, maintain and use a railway with convenient single or double tracks, from

Location.

such point or points on Common Street, in the town of Belmont, as shall be from time to time fixed by the selectmen of said town, with the assent, in writing, of said corporation, filed with said selectmen; thence upon and over Common Street, to the private way connecting Common Street with Concord Turnpike; thence over said private way, or over the land adjoining the same on the south, or over both, according as the selectmen of Belmont shall determine, to

Proviso.

Concord Turnpike; and *provided*, that in no case, whatever may be the decision of said selectmen, shall either of the

rails of said company be laid within twenty feet of the depot of the Fitchburg Railroad Company, at Belmont station; thence upon and over Concord Turnpike, to Waterhouse Street, in the city of Cambridge; thence over Waterhouse Street to the tracks of the Cambridge Railroad on North Avenue. All tracks of said railroad shall be laid at such distances from the sidewalks in said town and city as the selectmen of said town, and the mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their votes fixing the location of said railroad, determine to be for the public safety and convenience. Before the location or construction of any track in any street or highway, as aforesaid, the selectmen of said town, and the mayor and aldermen of said city, shall give notice to the abutters thereon fourteen days at least before the location of any such track, by publication in such newspapers, respectively, as said selectmen and said mayor and aldermen shall determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property, as they may think expedient, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Tracks, how laid.

Notice to abutters.

Rates of fare and freight.

Section 2. The corporation hereby created, in crossing all the branches and lateral tracks of the Fitchburg Railroad Company, leading from the main line to Fresh Pond and Watertown, shall cross in such a manner as not to injure any of the said tracks or branches, or the rails thereof, and shall insert no frogs therein, and make no incision into the rails thereof, but shall cross the same as the Watertown branch of the Fitchburg Railroad Company is now crossed, in Watertown, by the Waltham and Watertown Railroad Company.

Crossing Fitchburg Railroad, conditions.

Section 3. The said corporation may enter upon and use the tracks of the Cambridge Railroad Company, in such mode and upon such rates of compensation as may be agreed upon; or, in case of disagreement with said company, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court. The said corporation may lease their railroad to said Cambridge Railroad Company, or to any other party, or hire the said Cambridge Railroad, or any part thereof, upon such terms and conditions as may be mutually agreed upon.

May connect with Cambridge Railroad.

May lease to Cambridge Company.

Section 4. Said Belmont Railroad Corporation shall not be allowed to use their motive-power upon the tracks of the Cambridge Railroad Company without the consent of said

Motive-power on Cambridge road.

corporation; but said Cambridge Railroad Corporation shall, at reasonable times, and for a reasonable compensation, draw over the said tracks the passengers and cars of said Belmont Railroad Company; and if said corporations cannot agree upon the stated periods at which the cars shall be so drawn and the compensation to be paid, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to, and hearing the parties interested, shall determine such rate of compensation, and fix such periods having reference to the convenience and interest of the corporations and the public to be accommodated thereby; and the award of the commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until the same shall have been revised, or altered by commissioners so appointed; but no such revision or alteration shall be made within one year after the award.

Rates of fare and passage of cars, how determined in case of disagreement.

Motive-power and rate of speed.

Section 5. Said tracks or roads shall be operated and used by said corporation with horse-power only. The selectmen of said town of Belmont and the mayor and aldermen of the city of Cambridge shall have power at all times to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.

Repairs of highways.

Damages.

Liability.

Section 6. Said corporation shall keep and maintain in repair such portion of the streets and highways, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against either said town of Belmont or said city of Cambridge, by reason of such defect or want of repair, said corporation shall be liable to pay to said town of Belmont or said city of Cambridge, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.

Restriction.

Obstructing punishable.

Section 7. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hun-

dred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstruction by corporation, how punished.

Section 8. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital.

Shares.

Section 9. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

Section 10. Said corporation shall have power to purchase and hold such real estate, within said town of Belmont or said city of Cambridge, as may be convenient or necessary for the purposes and management of said road.

Construction and maintenance of road, municipalities to direct.

Section 11. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town of Belmont, and the mayor and aldermen of said Cambridge, respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the selectmen of Belmont, or the mayor and aldermen of the city of Cambridge, respectively.

Proviso.

Control of highways by municipality.

Section 12. Nothing in this act shall be construed to prevent the selectmen of said town, or the mayor and aldermen of said city, respectively, from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Discontinuance of road by city or town.

Section 13. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same shall be located, as provided by its charter, the selectmen of Belmont, and the mayor and aldermen of the city of Cambridge, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said selectmen of Belmont or mayor and aldermen of the city of Cambridge, respectively; and such taking up and removal shall be at the expense of said railroad corporation.

Belmont and Cambridge may purchase road, after ten years.

Section 14. The town of Belmont and the city of Cambridge, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said town and said city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners, to be appointed by the supreme judicial court.

Acceptance of act and construction of road.

Section 15. This act shall be void, so far as relates to the right to construct said road, in either said Belmont or said city of Cambridge, unless the same shall be accepted by the selectmen of said Belmont and the mayor and aldermen of said city of Cambridge, respectively; and unless the same shall be accepted by said corporation, and also unless said road shall be constructed within two years from the passage of this act.

Annual returns.

Section 16. Said corporation shall be subject to all general provisions of law, that are or may be prescribed, relative to horse or street railroads; and shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways, taken by them for their tracks.

Land damages.

Section 17. This act shall take effect upon its passage.

Approved March 25, 1861.

Chap. 91.

An Act concerning habeas corpus and personal liberty.

Be it enacted, &c., as follows:

Return of writ.

Section 1. The writ of habeas corpus shall in all cases, except those mentioned in the thirtieth and thirty-second sections of the one hundred and forty-fourth chapter of the General Statutes, be returnable before the supreme judicial court, or some justice thereof, in term time or vacation.

Issues, how framed.

Section 2. When any trial shall be had upon a writ of habeas corpus, under the nineteenth section of the one

hundred and forty-fourth chapter of the General Statutes, issues shall be framed under the direction of the court, and the rules of evidence, procedure and decision, shall be those of the common law.

Construction of existing statutes defined.

Section 3. Nothing contained in the statutes of the Commonwealth shall be construed to authorize the taking of any person by writ of habeas corpus out of the custody of the United States marshal, or his deputy, holding him by legal and sufficient process, issued by any court or magistrate of competent jurisdiction: *provided, however*, that this shall not affect the authority of the supreme judicial court, or its justices, in accordance with the provisions of the constitution of the United States, and of this Commonwealth, to investigate and determine upon the validity and legal effect of any process which may be relied on to defeat the writ, or any other matter properly arising.

Proviso.

Intent of party charged to determine construction of statute

Section 4. Nothing contained in the sixty-second section of the one hundred and forty-fourth chapter of the General Statutes shall be construed to authorize the punishment of any person, who, without any false pretence or unlawful intent, claims another person as a fugitive from service or labor.

No construction of statutes to prevent proper officer calling out militia.

Section 5. Nothing contained in the one hundred and forty-fourth chapter of the General Statutes shall be construed to prohibit or limit the right of any officer, court or magistrate to call out the militia for the prevention or suppression of any riot, tumult or mob, as provided in the thirteenth and one hundred and sixty-fourth chapters of the General Statutes; or to excuse the officers or members of the volunteer militia from obeying any such lawful order, or to render them liable to any penalty for executing the same: *provided*, that the militia shall never be used to hinder the service of any lawful process of this Commonwealth.

Proviso.

Approved March 25, 1861.

An Act to incorporate the Mercantile Savings Institution in the City of Boston. *Chap.* 92.

Be it enacted, &c., as follows:

Corporators.

Section 1. Richard Holmes, Daniel Farrar, and John A. Nowell, their associates and successors, are hereby incorporated under the name of the Mercantile Savings Institution, to be located in the city of Boston, with all the powers and privileges, and subject to all the provisions of the fifty-seventh chapter of the General Statutes, so far as the same are applicable to the objects of said institution, and to all laws in addition thereto. Said institution shall not be a

Title.

Powers and duties.

bank of issue or discount, and shall not receive deposits in any other manner than is provided in said chapter in relation to savings banks.

Capital. Shares. Proviso.

Section 2. Said institution may have a capital stock of three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in, in silver or gold coin, or in the bills of solvent banks of this Commonwealth, except as is hereinafter provided; but said corporation shall not be organized under this charter, until one hundred and fifty thousand dollars of said capital shall have been paid in.

Transfer of property to authorized.

Section 3. In the organization of this institution, it shall be lawful for the securities and property held by Avery P. Ellis, Charles L. Shaw, and Frederick H. Henshaw, as trustees of the Mercantile Banking and Savings Association, so called, to be transferred to the said corporation; and there shall be appointed by the governor, with the advice of the council, three disinterested, discreet persons, who shall proceed, at the expense of said corporation, to examine said securities, and the books and accounts of said trustees, and carefully to determine the value of the same, and make a report of their doings to the governor, certifying the cash value of said securities and property so transferred, and the amount of capital stock which may be safely issued therefor, and the persons to whom the same ought to be issued; and the same being by the governor approved, said corporation may be allowed to issue certificates of stock in accordance therewith. After such issue of stock, no stock shall be issued except as is provided in the second section of this act.

Commissioners to be appointed to examine securities, &c., and report to governor.

Governor to approve report.

Issue of stock.

Investments.

Section 4. The capital of said institution, and the deposits therein, shall be invested as is provided for the investments of the deposits of savings banks.

Loans.

Section 5. Whenever said institution shall have funds to loan, applications therefor in sums as small as one hundred dollars, with satisfactory security, shall not be refused.

Applications for loans.

Section 6. Applications for loans with satisfactory security, shall be granted in the order in which they are severally made, except that applications for loans of one thousand dollars or less, shall have precedence of applications for larger sums.

Books for applications.

Section 7. Books shall be kept in which all applications for loans shall be entered with the securities offered, which shall be open at all times to the inspection of applicants, and of the stockholders and the bank commissioners.

Two per cent. of certain loans may be reserved.

Section 8. Two per cent. per annum, on the sum in each case loaned, may be reserved upon all loans of two thousand dollars or less than that sum, for the benefit of the

institution ; but the borrowers of any such sums shall be entitled, at any time before the expiration of the term for which the loan may have been granted, to repay the sum so borrowed, and to receive the proportional part of the premium so retained.

Interest on sums exceeding five dollars, five per cent.

Section 9. All sums of money of five dollars or more, deposited in said institution, shall draw interest, except for fractional parts of a month, while they remain on deposit, at a rate of not less than five per cent. per annum.

Dividends.

Section 10. Dividends upon the deposits shall be declared every six months ; and any excess of income or profit accruing to the institution, after affording to the stockholders an average annual dividend of ten per cent., shall once in every five years, in just proportion, be divided among the depositors who shall have been such for the six months immediately preceding the time when such dividend shall be declared.

Construction of act.

Section 11. Nothing herein contained shall be held or deemed to authorize any bank in this Commonwealth to take a greater rate of interest than six per cent. per annum.

Transfer of stock.

Section 12. The capital stock of said institution shall be transferable only at the office and in the books thereof.

Tax.

Section 13. This institution shall pay to the Commonwealth a semi-annual tax of one-half of one per cent. upon its capital stock, according to the provisions of sections eighty-nine and ninety of the fifty-seventh chapter of the General Statutes.

Approved March 25, 1861.

An Act making appropriations for the maintenance of the government during the current year. *Chap.* 93.

Be it enacted, &c., as follows:

Appropriations for 1861.

Section 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, one thousand eight hundred and sixty-one, that is to say:

Chief justice superior court.

For the salary of the chief justice of the superior court, three thousand seven hundred dollars.

Associates.

For the salaries of nine associate justices of said court, thirty-one thousand five hundred dollars.

Clerk S. J. court.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

Assistant. For the salary of the assistant-clerk of said court, fifteen hundred dollars.

Expenses. For expenses of said court, two thousand five hundred dollars.

Judges of probate and insolvency. Suffolk. For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.

Middlesex. For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand dollars.

Worcester. For the salary of the judge of probate and insolvency for the county of Worcester, eighteen hundred dollars.

Essex. For the salary of the judge of probate and insolvency for the county of Essex, fifteen hundred dollars.

Norfolk. For the salary of the judge of probate and insolvency for the county of Norfolk, fourteen hundred dollars.

Bristol. For the salary of the judge of probate and insolvency for the county of Bristol, eleven hundred dollars.

Plymouth. For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand dollars.

Berkshire. For the salary of the judge of probate and insolvency for the county of Berkshire, eight hundred dollars.

Hampden. For the salary of the judge of probate and insolvency for the county of Hampden, eight hundred dollars.

Barnstable. For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars.

Hampshire. For the salary of the judge of probate and insolvency for the county of Hampshire, six hundred and fifty dollars.

Franklin. For the salary of the judge of probate and insolvency for the county of Franklin, six hundred dollars.

Nantucket. For the salary of the judge of probate and insolvency for the county of Nantucket, three hundred dollars.

Dukes. For the salary of the judge of probate and insolvency for the county of Dukes County, two hundred and fifty-dollars.

Registers and assistants. Suffolk. For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.

For the salary of the assistant-register for the county of Suffolk, fifteen hundred dollars.

Middlesex. For the salary of the register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.

For the salary of the assistant-register for the county of Middlesex, one thousand dollars.

Worcester. For the salary of the register of probate and insolvency for the county of Worcester, fifteen hundred dollars.

For the salary of the assistant-register for the county of Worcester, one thousand dollars.

Essex. For the salary of the register of probate and insolvency for the county of Essex, fifteen hundred dollars.

For the salary of the assistant-register for the county of Essex, eight hundred dollars.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand dollars. Norfolk.

For the salary of the assistant-register for the county of Norfolk, six hundred dollars.

For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, eight hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, eight hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, seven hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars. Barnstable.

For the salary of the register of probate and insolvency for the county of Nantucket, three hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Dukes County, three hundred and fifty dollars. Dukes.

For certain expenses of the courts of insolvency, authorized by chapter one hundred and eighteen of General Statutes, or similar accounts for the courts of probate and insolvency, a sum not exceeding three thousand dollars. Expenses of courts of insolvency, and probate and insolvency.

For the salary of the attorney-general, two thousand five hundred dollars. Attorney-general

For clerk hire in the office of the attorney-general, a sum not exceeding one thousand dollars. Clerk hire.

For incidental expenses in the office of the attorney-general, a sum not exceeding one hundred dollars. Incidentals.

For fees, costs, court expenses, and other like charges of the attorney-general, in accordance with the provisions of the fourteenth chapter of General Statutes, a sum not exceeding three hundred dollars. Fees, costs, &c.

For the salary of the attorney for the county of Suffolk, three thousand dollars. District-att'ys. Suffolk.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars. Assistant.

For the salary of the district-attorney for the eastern district, one thousand two hundred dollars. Eastern.

Northern. For the salary of the district-attorney for the northern district, one thousand two hundred dollars.

Justices of police courts. For the salaries of the justices of police courts, thirty thousand and nine hundred dollars.

Clerks. For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, fourteen thousand four hundred dollars.

District-att'ys. Southern. For the salary of the district-attorney for the southern district, one thousand two hundred dollars.

Middle. For the salary of the district-attorney for the middle district, one thousand two hundred dollars.

South-eastern. For the salary of the district-attorney for the south-eastern district, one thousand two hundred dollars.

Western. For the salary of the district-attorney for the western district, one thousand two hundred dollars.

North-western. For the salary of the district-attorney for the north-western district, eight hundred and ninety dollars.

Reporter of decisions S. J. court. For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars.

Secretary of the Commonwealth. For the salary of the secretary of the Commonwealth, two thousand dollars.

First clerk. For the salary of the first clerk in the secretary's office, one thousand five hundred dollars.

Second clerk. For the salary of the second clerk in the secretary's office, one thousand four hundred dollars.

Messenger. For the salary of the messenger in the secretary's office, eight hundred dollars.

Additional clerks. For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding fourteen thousand dollars.

Publication of bank returns, weekly and monthly. For the payment for the weekly and monthly publication of bank returns, in accordance with the fifty-seventh chapter of General Statutes, a sum not exceeding five hundred dollars.

Incidental—secretary's office. For incidental expenses of the secretary's office, a sum not exceeding three thousand two hundred dollars.

Treasurer and receiver-general. For the salary of the treasurer and receiver-general, two thousand dollars.

First clerk. For the salary of the first clerk in the treasurer's office, one thousand five hundred dollars.

Second clerk. For the salary of the second clerk in the treasurer's office, one thousand two hundred dollars.

Incidental—treasurer's office. For incidental expenses of the treasurer's office, a sum not exceeding three hundred dollars.

For the salary of the auditor of accounts, two thousand dollars. Auditor of accounts.

For the salary of the clerk of the auditor of accounts, one thousand two hundred dollars. Clerk.

For incidental expenses of the auditor's office, a sum not exceeding two hundred dollars. Incidental.

For compensation of the persons appointed under authority of chapter fifty-seven of General Statutes, to countersign circulating notes of the similitude of bank notes, and the same may be paid to the clerk in the auditor's office, in addition to his salary, three hundred dollars. Countersigning bank notes.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two thousand two hundred dollars. Additional clerks auditor's office.

For printing such number, not exceeding one hundred and fifty thousand, of the pamphlet edition of the General Acts and Resolves of the present year, for distribution of one copy thereof to each family, or each eight persons in the Commonwealth, in accordance with the provisions of chapter three of General Statutes, a sum not exceeding ten thousand dollars. Printing and distribution of general laws.

For printing two thousand copies of the "blue-book" edition of the Acts and Resolves of the present year, with the governor's messages and other matters in the usual form, but not including the constitution, a sum not exceeding two thousand dollars. Printing "blue-book."

For printing abstracts of the returns of assessors relating to the assessment of taxes on the shares of corporations and deposits in savings institutions, in accordance with the resolves of the year one thousand eight hundred and sixty, chapter seventy-two, a sum not exceeding eleven hundred dollars. Abstracts assessors' returns.

For the publication of the General Laws, and all other information intended for the public, in accordance with the provisions of chapter three of General Statutes, three hundred dollars. Publication general laws.

For the purchase, by the secretary of the Commonwealth, of blanks for the use of cities and town, in the registration of births, marriages and deaths, a sum not exceeding three hundred dollars. Registration blanks.

For fuel and lights for the state house, a sum not exceeding two thousand dollars; and such sum shall be disbursed under the direction of the commission provided in the fourteenth chapter of General Statutes. Fuel and lights for state house.

For repairs, improvements and furniture of the state house, to be disbursed in the manner provided in the four- Repairs, furniture, &c.

teenth chapter of General Statutes, a sum not exceeding two thousand six hundred dollars.

Contingent, for senate, house, and capitol.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, to be disbursed in the manner provided in the fourteenth chapter of General Statutes, a sum not exceeding one thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object, for which an appropriation is otherwise made in this act, or in any act which may be passed subsequently.

Postage, stationery, &c., for governor and council.

For postage, printing and stationery for the governor and council, a sum not exceeding five hundred dollars.

Printing and binding, senate or house.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, in accordance with the fifteenth of the joint rules and orders of the two branches, a sum not exceeding ten thousand dollars.

Blanks and circulars, senate.

For printing blanks and circulars, and the calendar of orders of the day required for the use of the senate, a sum not exceeding four hundred dollars.

Blanks and circulars, house.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding seven hundred dollars.

Sheriffs, for distributing blanks, &c.

To the sheriffs of the several counties for distributing blanks and making returns of votes, in accordance with the one hundred and fifty-seventh chapter of General Statutes, a sum not exceeding eight hundred and sixty-eight dollars.

Clerks of committees.

For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairman of such committees, or other member authorized by the committee to certify such accounts.

Public series of documents, 1861.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-one, under the direction of the secretary of the Commonwealth, according to the fourth chapter of General Statutes, and for binding the copies to be distributed to the towns and cities, a sum not exceeding ten thousand dollars.

Public series of documents, 1860.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty, under the direction of the secretary of the Commonwealth, in addition to the sum heretofore appropriated, a sum not exceeding three thousand seven hundred dollars.

For the mileage and compensation of the bank commissioners, a sum not exceeding seven thousand dollars. Bank commissioners.

For the salary of the clerk of the bank commissioners, one thousand five hundred dollars. Clerk.

For the incidental expenses of the bank commissioners, a sum not exceeding one hundred dollars. Incidental.

For the compensation and expenses of the board of insurance commissioners, a sum not exceeding four thousand dollars. Insurance commissioners.

To continue the printing of the New Plymouth Records, under the direction of the secretary of the Commonwealth, a sum not exceeding four thousand dollars. New Plymouth Records.

For continuing the copying of the New Plymouth Records, and superintending the printing of the same, a sum not exceeding eleven hundred dollars.

For books, stationery, printing and advertising ordered by the sergeant-at-arms, for the legislature, a sum not exceeding five hundred dollars. Books, stationery, &c., for the legislature.

For the state library, in accordance with the fifth chapter of the General Statutes, twenty-three hundred dollars, to be expended under the direction of the trustees and librarian; and all sums required for the completion and printing, or now due for printing of the catalogue, shall be paid from this appropriation. State library.

For additional assistance in the library, in accordance with the fifth chapter of General Statutes, a sum not exceeding five hundred dollars. Additional assistance.

For the contingent expenses of the council, a sum not exceeding eight hundred dollars. Council, contingent.

For the compensation and expenses of the alien commissioners, and agents employed by them, according to law, a sum not exceeding seven thousand five hundred dollars. Alien commissioners.

For burial of state paupers, two thousand dollars. Burial paupers.

For the compensation and expenses of the superintendent of alien passengers, a sum not exceeding seven thousand dollars. Superintendent of alien passengers.

For the expenses of coroners' inquests, a sum not exceeding five hundred dollars. Coroners' inquests.

For counsel fees in the suit pending in the supreme court of the United States, between the Commonwealth and the state of Rhode Island, to be expended under the supervision of the attorney-general, a sum not exceeding two thousand dollars. Rhode Island boundary.

For deficiency in the appropriation for mileage and compensation of the lieutenant-governor and council, for the Lieut.-governor and council.

year eighteen hundred and sixty, the sum of fifteen hundred and forty-three dollars.

CHARITABLE.

Almshouses, and Rainsford Island Hospital.

For the current expenses of the several state almshouses and for the hospital at Rainsford Island, in addition to the sums appropriated for these purposes in chapter twenty-one of the acts of the present year, the following sums, viz.:

State almshouse at Tewksbury, a sum not exceeding thirty-three thousand dollars.

State almshouse at Monson, a sum not exceeding twenty-seven thousand dollars.

State almshouse at Bridgewater, a sum not exceeding twenty-seven thousand dollars; and for the hospital at Rainsford Island, a sum not exceeding fifteen thousand dollars.

Reform school.

For the current expenses of the state reform school for boys, at Westborough, a sum not exceeding thirty-two thousand dollars; said sum to be expended solely for the current expenses of said institution; and all other sums received by said institution from towns and cities, for the support of the boys in said school, shall be paid into the treasury of the Commonwealth; and no moneys appropriated by this act shall be expended by the trustees of said school to pay for the recent improvements at said institution, and without authority of law.

Nautical branch.

For the current expense of the nautical branch of the state reform school, a sum not exceeding twenty-three thousand dollars.

Indians.

For Indians, a sum not exceeding three thousand dollars.

Lunatic paupers.

For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding sixty thousand dollars.

Asylum for the blind.

For the Perkins Institution and Massachusetts Asylum for the Blind, in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter sixty-two, twelve thousand dollars.

School for idiots.

For the Massachusetts School for Idiotic and Feeble-Minded Youth, in accordance with the resolves of the year one thousand eight hundred and fifty-one, chapter forty-four, five thousand dollars.

Deaf and dumb at Hartford.

For the support of patients from Massachusetts, in the asylum for the deaf and dumb at Hartford, in the state of Connecticut, in accordance with the resolves of the year eighteen hundred and twenty-nine, chapter forty-one, and the resolves of the year eighteen hundred and forty-seven, chapter forty-four, a sum not exceeding eight thousand six hundred dollars.

For the annuities due from the Commonwealth in respect to the obligations incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand seven hundred and forty dollars. Bequests of M. Johonnot.

For pensions, a sum not exceeding seven hundred dollars. Pensions.

To the sinking fund for the redemption of the scrip issued to obtain means for building the state almshouses, six thousand dollars. Sinking fund, almshouses.

SCIENTIFIC AND EDUCATIONAL.

For bounties to agricultural societies, thirteen thousand six hundred and three dollars. Agricultural bounties.

For the salary of the secretary of the board of agriculture, two thousand dollars. Secretary board of agriculture.

For the travelling expenses of members of said board, a sum not exceeding fifteen hundred dollars. Travel, members

For the travelling expenses of the secretary of said board, all postages and necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-seven, a sum not exceeding two hundred and fifty dollars. Postages, &c.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars. Incidental.

For the salary of the clerk of the secretary of said board, six hundred dollars. Clerk's salary.

For collecting information on agricultural subjects, eight hundred dollars. For information.

For printing ten thousand copies of the report of the board of agriculture, a sum not exceeding six thousand five hundred dollars. Printing report.

For completing the work upon the "Report of the Insects of New England, which are injurious to vegetation," according to resolves, chapter ninety-three, of the year eighteen hundred and fifty-nine, the sum of three thousand three hundred and sixty-six dollars and thirty-eight cents: *provided*, that the whole amount expended upon said work shall not exceed the sum specified in chapter two hundred and seventy-three of the acts of eighteen hundred and fifty-nine. Report on injurious insects.

MILITARY.

For the salary of the adjutant and quartermaster-general, one thousand eight hundred dollars. Adjutant and Q. Master-general.

For the salary of the clerk of the adjutant-general, twelve hundred dollars. Clerk.

For the incidental expenses of the adjutant-general, a sum not exceeding three hundred and fifty dollars. Incidental.

Expenses. For the expenses of the adjutant and quartermaster-general's department, a sum not exceeding four thousand dollars.

Bounty. For military bounty, a sum not exceeding forty-three thousand dollars.

Accounts. For military accounts, a sum not exceeding five thousand five hundred dollars.

Rent of armories. For the rent of armories, a sum not exceeding eleven thousand dollars.

REFORMATORY AND CORRECTIONAL.

Arrest of fugitives. For the expenses of the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

Agent discharged convicts. For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars.

Expenditures of same. For the expenditures of said agent, in accordance with the provisions of chapter one hundred and seventy-nine of General Statutes, a sum not exceeding one thousand dollars.

Industrial school for girls. For the current expenses of the state industrial school for girls, at Lancaster, a sum not exceeding fourteen thousand dollars.

Incidental expenditures defined. Section 2. The term "incidental expenses," wherever used in any act of appropriation, shall be held to include no charges except for postage, printing, stationery and fuel; all charges for which in each department of the government, or by any committee for whom an appropriation shall be made, "for incidental expenses," shall be defrayed in accordance with the appropriations for these objects provided in such acts.

Section 3. This act shall take effect upon its passage.

Approved March 27, 1861.

Chap. 94.

An Act relative to state paupers.

Be it enacted, &c., as follows:

Place of wife's settlement to be husband's residence. Section 1. When the operation of any provisions of law in relation to poor and indigent persons, might cause a separation of husband and wife, by reason of her having a legal settlement in some place in the Commonwealth, he being a state pauper, both parties shall be supported at the place where she has a legal settlement.

Expense of support. Section 2. The expense of thus supporting the person who is such state pauper, shall be paid by the Commonwealth, and the accounts therefor shall be audited and allowed by the inspectors of the state almshouse to which such pauper would otherwise belong, reference being had to

the expense of supporting such person at the state almshouse, if there committed.

Section 3. This act shall take effect upon its passage.

Approved March 27, 1861.

An Act giving to judges of probate and insolvency supervision of the records of their respective courts. *Chap.* 95.

Be it enacted, &c., as follows:

Section 1. The judges of the probate court and of the court of insolvency in their several counties, shall, as often as every six months, inspect the doings of the registers of said courts, and see that the records and files are made up seasonably and kept in good order; and if the records are left incomplete for more than six months at any one time, such neglect, unless caused by sickness or other extraordinary casualty, shall be adjudged a forfeiture of the register's bond. Judges to inspect registers' books, files, etc. Forfeiture of bond.

Section 2. In case of any neglect causing a forfeiture of the bond of the register or assistant-register, the said judge shall forthwith give notice thereof in writing to the treasurer having custody of the bond, who shall thereupon cause the same to be put in suit; and the sum recovered in such suit shall be applied to making up the deficient records under the direction of the court in whose records the deficiency happens, and the surplus, if any, shall be carried into the account of such treasurer. Judge to notify treasurer in case of forfeiture.

Section 3. Nothing herein contained shall exempt said registers or assistant-registers from a suit for any other breach of their bond, or from their liability in any other way, or to any party for neglect or misconduct in their office. Existing liabilities not affected.

Approved March 27, 1861.

An Act to establish the salaries of the draw-tenders of Charles River and Warren Bridges. *Chap.* 96.

Be it enacted, &c., as follows:

Section 1. The draw-tender on Charles River Bridge shall have an annual salary of twelve hundred dollars, and the draw-tender on the Warren Bridge an annual salary of eleven hundred dollars, to be paid as provided in section second, chapter one hundred and eighty-six of the acts of eighteen hundred and fifty-nine. Salaries.

Section 2. This act shall take effect upon its passage.

Approved March 27, 1861.

An Act to incorporate the American Society of Hibernians. *Chap.* 97.

Be it enacted, &c., as follows:

Section 1. Andrew Mahoney, Edward Riley, James McGee, Daniel McKenna, their associates and successors, Corporators.

Title. Purposes. Powers and duties.

are hereby made a corporation by the name of the American Society of Hibernians, for the purpose of rendering assistance to the sick and disabled members of their society, and also of providing for the decent burial of the dead; and for these purposes shall have all the powers, and be subject to all the duties and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Real and personal estate.

Section 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding twenty thousand dollars.

Approved March 27, 1861.

Chap. 98. An Act authorizing the town of Milford to subscribe to the capital stock of the Milford and Woonsocket Railroad Company.

Be it enacted, &c., as follows:

Authority to subscribe.

Section 1. The town of Milford, in the county of Worcester, is hereby authorized to subscribe for and hold shares in the capital stock of the Milford and Woonsocket Railroad Company, to an amount not exceeding fifty thousand dollars:

Proviso.

provided, that two-thirds of the legal voters of said town, present and voting thereon, at a legal town meeting duly called for that purpose, shall vote to subscribe for such shares in accordance with the terms of this act, and to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as other property which it may possess.

May raise money.

Section 2. Said town is hereby authorized to raise by loan or tax, any sums of money which shall be required to pay its instalments on its subscription to said stock and interest thereon.

Section 3. This act shall take effect upon its passage.

Approved March 27, 1861.

Chap. 99. An Act changing the time of holding the law terms of the supreme judicial court for the counties of Berkshire, Hampshire and Franklin.

Be it enacted, &c., as follows:

Lenox.

Section 1. The law terms of the supreme judicial court now by law appointed to be held at Lenox, within and for the county of Berkshire, on the first Tuesday of September in each year, shall hereafter be held on the second Tuesday of September.

Greenfield and Northampton.

Section 2. The law terms of said court now appointed by law to be held at Greenfield, within and for the county of Franklin, on the first Monday next after the first Tuesday

of September, and at Northampton, within and for the county of Hampshire, on the second Monday next after the first Tuesday of September, are hereby abolished, and instead thereof there shall be held a term of said court for hearing and entering questions of law arising in said counties of Franklin and Hampshire, alternately at Greenfield and Northampton, on the Monday next after the second Tuesday of September in each year, the first term of said court after the passage of this act to be held at said Greenfield.

Jurisdiction.

Section 3. The said court at the terms thereof by this act established, shall have cognizance and jurisdiction of all causes now pending in the law terms of said court for said counties respectively, and shall have the same jurisdiction of all libels for divorce and other matters as the law terms of said court now have, when held for said counties separately.

Section 4. All acts inconsistent with the provisions of this act, are hereby repealed. *Approved March* 28, 1861.

An Act defining the rights of owners or occupants of land adjoining railroads. *Chap.* 100

Be it enacted, &c., as follows:

Occupancy of land of corporation by adjacent owners not to vest property rights.

If the owner or occupant of any land adjoining any railroad in this Commonwealth, has taken or shall take into his inclosure, any part of the land belonging to said railroad, as located and established, or has erected or shall erect any building upon, or has occupied or shall occupy for the purposes of cultivation or otherwise, any land belonging to or included within the location of any such railroad, no continuance of such inclosure, building, or length of possession or occupancy of the land belonging to such railroad, so inclosed or occupied, shall create in such adjoining owner or occupant, or in any person claiming under him, any right to the land belonging to such railroad so inclosed or occupied.

Approved March 28, 1861.

An Act to incorporate the Nonantum Fire Insurance Company. *Chap.* 101

Be it enacted, &c., as follows:

Corporators.

Section 1. E. C. Sparhawk, Edward Sparhawk, John Gordon, J. N. Bacon, Curtis Davis, P. H. Sweetser, their associates and successors, are hereby made a corporation by

Title.

the name of the Nonantum Fire Insurance Company, to be

Location.

established in the town of Brighton, for the purpose of

Purpose.

making insurance against losses by fire; with all the powers

Privileges and restrictions.

and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws in relation to stock insurance companies, or which may hereafter be enacted in relation to the same.

Capital. Shares. Increase of capital. Real estate.

Section 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred and fifty thousand dollars, and shall have a right to hold real estate for its own use to an amount not exceeding fifteen thousand dollars. *Approved March* 28, 1861.

Chap. 102 An Act in addition to an act to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge.

Be it enacted, &c., as follows:

Time for construction extended.

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven of the acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended to September in the year one thousand eight hundred and sixty-two. *Approved March* 28, 1861.

Chap. 103 An Act to change the time for holding the annual exhibition of the Hampden County Agricultural Society.

Be it enacted, &c., as follows:

The Hampden County Agricultural Society shall hereafter commence its annual exhibition on the first Tuesday of October. *Approved March* 28, 1861.

Chap. 104 An Act concerning the estates of insolvent debtors.

Be it enacted, &c., as follows:

Assignee to make return to judge.

Section 1. Every assignee of the estate of an insolvent debtor or corporation, shall, unless the judge of insolvency shall otherwise direct, make and return, upon oath, into the court of insolvency, a true inventory of all the property of the debtor, real and personal, and all debts due to the debtor or any other person for his use, and all his rights of action for goods or estate, real or personal, and all his rights of redeeming such goods or estate, which the assignment vests in such assignee, and which shall have come to his possession or knowledge; and the estate comprised in such inventory shall be appraised in the same manner that the estates of deceased persons are now required by law to be appraised. And such inventory and appraisal shall be made and returned on or before the second meeting of the creditors.

Appraisal, &c.

Assignees accountable.

Section 2. Assignees shall account for all the estate and effects of the insolvent that vest in them by the assignment, at its appraisal, except as hereinafter provided. They shall make no profit by the increase, and sustain no loss by the decrease or destruction without their fault of any part of

the estate; if they shall sell any of such estate for more than the appraised value, they shall account for the excess, and if they shall sell for less than the appraised value, they shall be allowed for the loss, if it appears to the court of insolvency that the sale was expedient and for the interest of all concerned in the estate; and, in either case, the assignees shall exhibit to the court a true account of sales, and they shall sell the estate at public auction unless the court before which the proceedings are pending, shall for sufficient cause upon petition therefor filed, otherwise order.

Approved March 28, 1861.

An Act for supplying the city of Charlestown with pure water. *Chap.* 105

Be it enacted, &c., as follows:

Supply from Mystic Pond.

Section 1. The city of Charlestown is hereby authorized to take, hold and convey by steam or other power, to, into and through the said city, by suitable aqueducts or pipes, the waters of Mystic Pond, so called, in the towns of Medford, West Cambridge and Winchester, and the waters which may flow into and from the same, and may also take and hold, by purchase or otherwise, any land, real estate or water-rights necessary for erecting, laying and maintaining, and may erect, lay and maintain, such aqueducts, pipes, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains or other structures as may be necessary or convenient to insure the purity of the waters of said pond, or the ponds and streams running into it, or to convey said waters into, and for the use of, the said city of Charlestown: *provided, however*, that said city shall not divert or draw water from any part of said Mystic Pond lying southerly of the "narrows" or "partings," so called, in said pond. And said city of Charlestown shall have power to erect and maintain a dam between the upper and lower portions of said Mystic Pond at the said "narrows" or "partings," so as to exclude the waters of the lower part from those of the upper, and raise the waters of the upper pond as high as they may judge necessary for the purposes of this act, not to exceed, however, the level of "Bacon's dam," so called. And said city of Charlestown shall not erect any dam across Mystic River, or obstruct, or exclude the free flow of the tide into the lower Mystic Pond. Said city of Charlestown shall make and maintain a suitable fish-way in the dam hereby authorized to be constructed by them at the "partings," or "narrows," so called, and upon request in writing made to the mayor of said city by any member of the fish committees

Proviso.

Dam may be erected.

Restriction, &c.

Charlestown to maintain fish-way.

of the towns of Medford or West Cambridge, on or after the first day of March in each year, the same shall be forthwith opened for the passage of fish, and left open until the first day of the next September, unless a majority of both of said committees shall sooner consent to have the same closed.

Right to lay pipes.

Section 2. For the purposes of distribution, the city may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto, and may make and establish public hydrants in such places as may, from time to time, be deemed proper, and prescribe the purposes for which they may be used, and

Regulation of use.

may change or discontinue the same; may regulate the use

Water rents.

of the water within and without the said city, and establish

Powers of city.

the prices or rents to be paid for the use thereof. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed, over or under any water-course, or any street, turnpike-road, highway or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of the

Aqueducts.

water therein. In carrying the pipes or conduits of said aqueduct across Mystic River, the same shall either be carried below the level of the bed of said river, or the bridge or other structure on which the same is carried over said river shall be elevated at least three feet in the clear above high-water level at the point where the same may cross said river; and may enter upon and dig up any such road, street or way, for the purpose of laying down said aqueducts or other works, and for maintaining and repairing the same.

Superintending commissioners.

Section 3. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute and perform, superintend and direct, the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of

Tenure of office.

this act and the laws of this Commonwealth; they shall respectively hold their said office for the term of two years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and, in case of a vacancy in the board of commis-

sioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his said office for the residue of the said term of two years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office; they shall, once in every three months, and whenever required by the city council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid. Reports of commissioners.

Section 4. Before the appointment of the commissioners aforesaid, the city council shall establish and fix the salaries, or compensation, to be paid to the commissioners for their services; and the said salaries of the said commissioners, so established and fixed as aforesaid, shall not be reduced during their continuance, respectively, in said office. Compensation.

Section 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of two years from the original appointment, or by the completion of the aqueducts and works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of Charlestown by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents as the city council shall, from time to time, ordain, appoint and direct. Powers and duties vested in city council.

Section 6. The said city of Charlestown shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water-rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes of this act. And if the owner of any land, water or water-rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply, by petition, for the assessment of his damages, at any time within three years from the taking of the said land, water or water-rights, or sustaining damage as aforesaid, and not afterwards, to the superior court in the county in which the same are situate, unless sooner barred, as provided in the seventh section of this act. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Charlestown, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall Damages.

order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

City to prosecute in certain cases.

Section 7. Whenever any damages shall have been sustained by any persons as set forth in the sixth section of this act, and such persons shall neglect to institute proceedings against the city of Charlestown, according to the provisions of this act, for the space of twelve months, it shall be lawful for the city of Charlestown to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the persons who shall have sustained such damage; and if such persons, on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, and they shall be forever barred from recovering any damages under this act.

Appeal to a jury.

Section 8. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury, being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law, in regard to proceedings relating to the laying out of highways.

Verdict to be final.

Appropriation for assessment of damages.

Section 9. No application shall be made to the court for the assessment of damages for the taking of any water-rights, until the water shall be actually withdrawn or diverted by the said city, under the authority of this act.

Section 10. In every case of a petition to the superior court for the assessment of damages, as provided in the sixth, seventh, eighth and ninth sections of this act, the city of Charlestown, by any of its officers, may tender to the complainant, or his attorney, any sum that they shall think proper, or may bring the same into court, to be paid to the complainant for the damages by him incurred or claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards; and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered. Recovery of damages and costs.

Section 11. For the purpose of defraying all the costs and expenses of such lands, estates, waters and water-rights as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing all aqueducts and works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, heretofore incurred or that may be hereafter incurred, the city council shall have authority to issue, from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten, nor more than fifty years from and after the issue of the said scrip, notes or certificates, respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt as may be necessary therefor. "Water bonds."

Section 12. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper for the preservation and protection of all or any of the works connected with the supplying of the city of Charlestown with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified Water regulations. Proviso.

by the legislature, and may also organize a department, with full powers for the management of such works, and the distribution of the said water.

Water rents.

Section 13. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment, from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable. And the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water, either within or without the said city, without the consent of the city, an action of tort may be maintained against him or them for the recovery of damages therefor: *provided, however*, that this act shall not be so construed as to prevent the inhabitants of Medford, West Cambridge and Winchester, from using so much of the water hereby granted as shall be necessary for extinguishing fires, and for all ordinary household purposes, under such regulations of the said city council as may be essential for the preservation of the purity of the said water.

Liabilities of occupants and owners.

Proviso.

Penalties for misdemeanors, and injuries to water works, &c.

Section 14. If any person or persons shall wilfully or maliciously divert the water, or any part thereof, of any of the ponds, streams or water-sources, which shall be taken by the city pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city, by the authority and for the purposes of this act, such person or persons shall forfeit and pay to the said city three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And such person or persons may, moreover, on indictment and conviction of either of the wilful and malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

Extinguishment of fires.

Section 15. The said city of Charlestown is also authorized to supply with water for the extinguishment of fires or for other purposes, the cities of Chelsea and Boston, and the towns through which the line of aqueduct may pass, and for this purpose may erect and maintain such structures as may be requisite and necessary therefor: *provided*, that such supply to Boston shall not deprive the towns on the line of the aqueduct of a sufficient supply of water.

Proviso.

Section 16. The said city of Charlestown shall erect and maintain proper hydrants at such points along the line of the aqueduct as the selectmen of the towns of Somerville and Medford shall direct: *provided, however*, the said city of Charlestown shall not be required to erect and maintain such hydrants at points nearer together than five hundred feet; and said towns of Somerville and Medford may at all times draw water from said hydrants without charge therefor, for the extinguishment of fires, under such regulations as the city of Charlestown may, from time to time, establish under authority of this act; and the rates of water supplied to the inhabitants of said towns of Somerville and Medford for other purposes than the extinguishment of fires, as provided in section fifteen, shall not exceed the rates charged for like uses in said city of Charlestown, and the payment or rental for the use of such water shall be made and collected in the same manner as herein before provided for the water distributed in the said city of Charlestown. In case the pipes for distributing said water shall be laid without expense to said city of Charlestown, such charge or rental shall be made for the use of said water, as may be agreed upon by and between said towns respectively and said city of Charlestown. Hydrants. Proviso.

Section 17. The provisions of this act shall be void unless submitted to and approved by the voters of the city of Charlestown, at meetings held simultaneously for that purpose in the several wards, within three years from the passage of this act, upon notice duly given, at least seven days before the time of holding said meetings. Act to be accepted by legal voters.

Section 18. This act shall take effect from and after its passage.

Approved March 28, 1861.

An Act to increase the capital stock of the East Boston Wharf Company. *Chap.* 106

Be it enacted, &c., as follows:

Section 1. The East Boston Wharf Company is hereby authorized to increase its capital stock by adding thereto five hundred thousand dollars, and to invest the same in the purchase of real estate adjoining the land now owned by said corporation, a description of which real estate is hereafter set forth, to be used as may be necessary and convenient to carry on the business for which the said company was incorporated: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount than the par value of the shares in the original capital stock of said corporation. Amount of increase. Investment. Proviso.

Description of real estate.

Section 2. The real estate which said corporation is hereby authorized to purchase and hold is described as follows, to wit:—A lot or parcel of land bounded and described as follows, viz.: beginning at the south-east corner of the premises now owned by said corporation on Sumner Street and at the centre of Mill Street; thence running westerly through the centre of Mill Street and bounded on said corporation land four hundred feet; then turning and running southerly, one hundred and thirty feet; then turning and running westerly, about seven hundred and sixty feet to the commissioners' line; thence running northerly by said commissioners' line three hundred and twenty feet, more or less, to a point on the line of Carleton's estate, so called; then turning and running north-easterly, eight hundred and seventy feet to Sumner Street; then turning and running south-easterly one hundred and ninety feet on Sumner Street to the point of beginning. Said premises being situated in that part of Boston called East Boston. *Approved March* 28, 1861.

Boundaries.

Location.

Chap. 107 An Act in addition to an act to establish the city of Lynn. *Be it enacted, &c., as follows:*

Control of highways.

Section 1. The mayor and aldermen of the city of Lynn, with the concurrent vote of the common council, shall have exclusive authority and power to lay out, alter or discontinue any street or town way, to establish the grade thereof, and to estimate the damages any individual or party may sustain thereby; and the person or party dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon, the same proceedings shall be had as are now by law provided in cases where persons or parties are aggrieved by the assessment of damages by the selectmen, in the forty-third chapter of the General Statutes.

Damages.

Section 2. This act shall take effect upon its passage.

Approved March 28, 1861.

Chap. 108 An Act to incorporate the Brighton Five Cents Savings Bank. *Be it enacted, &c., as follows:*

Corporators.

Charles Noyes, R. G. Green, H. H. Larnard, David Collins, J. F. Taylor, James Stetson, Samuel Bigelow, H. W. Jordan, W. W. Warren, James Dana, William Warren, George H. Brooks, John Ruggles, Theodore Matchett, their associates and successors, are hereby made a corporation by the name of the Brighton Five Cents Savings Bank, to be established and located in the town of Brighton; with all

Title.

Location.

the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and all other laws relating to savings banks. Powers, duties, &c.

Approved March 28, 1861.

An Act to incorporate the Cape Cod Central Railroad Company. *Chap.* 109

Be it enacted, &c., as follows:

Section 1. Chester Snow, Freeman Cobb, Joseph Cummings, E. W. Carpenter, Joseph K. Baker, junior, James S. Howes and Reuben Nickerson, junior, their associates and successors are hereby made a corporation, by the name of the Cape Cod Central Railroad Company; with all the powers and privileges, and subject, except as hereinafter set forth, to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes of this Commonwealth, relating to railroad corporations. Corporators. Title. Powers, duties, &c.

Section 2. The said company may locate, construct and operate a railroad, commencing at a point on the Cape Cod Railroad, at or near the depot in Yarmouth, in the county of Barnstable, and running thence through the towns of Yarmouth, Dennis, Harwich and Brewster, to a point near the Town Cove, so called, in the town of Orleans. Location.

Section 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares first issued; and such company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation. Capital. Shares. Real and personal estate.

Section 4. If the said company be not organized, and the location of their road filed with the county commissioners of the said county of Barnstable, within two years from the passage of this act, and if said road shall not be constructed within three years from said time, this act shall be void. Time of location and construction limited.

Section 5. The said company shall have the right and privilege of crossing highways and town ways at such grade and in such manner as the county commissioners may specify and direct. Crossing highways, &c.

Section 6. Said corporation is hereby authorized to issue bonds for the purpose of constructing or equipping their road, the amount thereof not to exceed the amount of capital stock paid in, of the same kind, in the same manner, upon the same terms, conditions and restrictions, and to be approved, certified, recorded and secured, in all respects, in conformity with the sixty-third chapter of the General Statutes. Bonds. Conditions, &c.

May unite with Cape Cod Railroad.

Section 7. The said Cape Cod Central Railroad Company may unite their railroad with the Cape Cod Railroad, at the point of intersection therewith mentioned in the second section; and said Cape Cod Central Railroad Company may enter upon and use the tracks of the Cape Cod Railroad Company, upon the terms, and subject to the provisions of the statutes of this Commonwealth relating to railroads and railroad corporations.

Terms, &c.

Transfer of property, &c.

Section 8. The said Cape Cod Central Railroad Company are hereby authorized and empowered to transfer all their property, rights and franchise, under this charter, to the said Cape Cod Railroad Company, or their successors, whenever a mutual arrangement may be made to that effect; or said Cape Cod Central Railroad Company may lease their road and other property to the said Cape Cod Railroad Company, or to any other corporation or individuals, either for a limited time or perpetually, as may be agreed upon; and the said Cape Cod Railroad Company and the Old Colony and Fall River Railroad Company are hereby authorized to accept such lease whenever agreed upon by the parties.

Lease of road.

Section 9. This act shall take effect upon its passage.

Approved March 28, 1861.

Chap. 110 An Act establishing the polls and estates of the several cities and towns of the commonwealth of massachusetts.

Be it enacted, &c., as follows:

Basis of apportionment for state and county taxes.

The number of polls, the amount of property, and the tax of one thousand dollars, including polls at half a mill each for each city and town in the several counties of the Commonwealth of Massachusetts, as contained in the schedule hereto annexed, are established and shall constitute a basis of apportionment for state and county taxes, during the decade ending in the year one thousand eight hundred and seventy, unless otherwise provided by the legislature:

COUNTY OF SUFFOLK.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Boston, ...	38,737	$312,000,000 00	$315 25
Chelsea, . . .	2,806	6,780,000 00	7 82
North Chelsea, . .	213	770,000 00	84
Winthrop, . . .	149	450,000 00	50
	41,905	$320,000,000 00	$324 41

COUNTY OF ESSEX.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Amesbury,	1,089	$1,302,864 00	$1 78
Andover,	1,101	2,339,977 00	2 77
Beverly,	1,598	3,129,640 00	3 77
Boxford,	251	649,331 00	74
Bradford,	432	832,683 00	1 01
Danvers,	1,324	2,455,948 00	2 99
Essex,	517	930,368 00	1 14
Georgetown,	575	730,297 00	93
Gloucester,	2,730	4,171,942 00	5 33
Groveland,	413	538,123 00	72
Hamilton,	219	449,810 00	54
Haverhill,	2,913	5,450,782 00	6 63
Ipswich,	746	1,276,245 00	1 59
Lawrence,	3,691	10,015,503 00	11 35
Lynn,	4,507	9,299,128 00	11 07
Lynnfield,	224	558,854 00	64
Manchester,	452	787,045 00	98
Marblehead,	1,877	2,367,952 00	3 18
Methuen,	693	1,283,920 00	1 57
Middleton,	241	383,758 00	48
Nahant,	99	523,866 00	55
Newbury,	340	824,524 00	95
Newburyport,	2,647	6,847,183 00	7 82
North Andover,	575	1,575,166 00	1 78
Rockport,	882	1,320,335 00	1 69

COUNTY OF ESSEX—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Rowley,	334	$484,701 00	$0 63
Salem,	4,904	14,722,500 00	16 41
Salisbury,	859	1,465,413 00	1 82
Saugus,	541	1,148,428 00	1 36
South Danvers,	1,445	3,613,408 00	4 15
Swampscott,	351	1,043,853 00	1 17
Topsfield,	346	624,769 00	77
Wenham,	282	550,780 00	66
West Newbury,	581	938,741 00	1 18
	39,779	$84,637,837 00	$100 15

COUNTY OF MIDDLESEX.

Acton,	455	$821,401 00	$1 01
Ashby,	109	555,386 00	58
Ashland,	443	577,860 00	77
Bedford,	170	470,657 00	54
Belmont,	341	2,141,709 00	2 20
Billerica,	441	1,042,071 00	1 21
Boxborough,	94	221,755 00	26
Brighton,	914	3,488,577 00	3 77
Burlington,	191	384,413 00	47
Cambridge,	5,615	20,515,905 00	22 26
Carlisle,	150	328,461 00	39
Charlestown,	5,390	15,420,760 00	17 32
Chelmsford,	583	1,371,136 00	1 59

COUNTY OF MIDDLESEX—Continued.

Towns.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Concord,	563	$1,663,507 00	$1 86
Dracut,	501	962,723 00	1 16
Dunstable,	136	397,551 00	45
Framingham,	1,045	2,208,537 00	2 61
Groton,	778	1,465,408 00	1 78
Holliston,	843	1,483,443 00	1 83
Hopkinton,	1,119	1,368,099 00	1 86
Lexington,	581	1,873,634 00	2 02
Lincoln,	195	539,528 00	61
Littleton,	274	666,270 00	77
Lowell,	7,492	20,894,207 00	23 56
Malden,	1,499	3,366,963 00	3 94
Marlborough,	1,590	1,876,599 00	2 58
Medford,	1,240	4,970,817 00	5 33
Melrose,	620	1,373,324 00	1 61
Natick,	1,555	1,788,549 00	2 48
Newton,	1,971	7,146,081 00	7 77
North Reading,	325	527,890 00	2 12
Pepperell,	459	754,506 00	1 00
Reading,	732	1,269,570 00	1 57
Sherborn,	305	873,154 00	98
Shirley,	361	662,067 00	81
Somerville,	1,756	6,033,053 00	6 60
South Reading,	868	1,861,319 00	2 20
Stoneham,	948	1,207,701 00	1 62

COUNTY OF MIDDLESEX—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Stow,	394	$713,320 00	$0 87
Sudbury,	439	1,043,091 00	1 21
Tewksbury,	335	620,886 00	76
Townsend,	518	663,222 00	89
Tyngsborough,	167	322,680 00	39
Waltham,	1,402	4,694,856 00	5 15
Watertown,	769	2,514,020 00	2 85
Wayland,	311	564,758 00	65
West Cambridge,	706	2,449,057 00	2 67
Westford,	400	796,440 00	96
Weston,	344	1,016,605 00	1 13
Wilmington,	249	459,291 00	56
Winchester,	513	1,533,514 00	1 71
Woburn,	1,784	3,599,280 00	4 30
	51,763	$135,458,009 00	$154 34

COUNTY OF WORCESTER.

Ashburnham,	596	$752,839 00	$1 01
Athol,	755	925,390 00	1 26
Auburn,	215	391,784 00	48
Barre,	747	1,668,557 00	1 95
Berlin,	296	396,170 00	53
Blackstone,	1,388	1,817,911 00	2 41
Bolton,	355	563,319 00	71
Boylston,	215	469,794 00	56

COUNTY OF WORCESTER—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Brookfield,	643	$765,765 00	$1 05
Charlton,	593	872,454 00	1 13
Clinton,	890	1,676,064 00	2 03
Dana,	220	241,663 00	34
Douglas,	595	953,409 00	1 20
Dudley,	418	685,821 00	86
Fitchburg,	1,964	3,762,529 00	4 55
Gardner,	739	901,835 00	1 23
Grafton,	1,147	1,691,274 00	2 17
Hardwick,	400	934,532 00	1 08
Harvard,	414	877,330 00	1 04
Holden,	505	796,813 00	1 00
Hubbardston,	454	609,054 00	81
Lancaster,	415	848,100 00	1 01
Leicester,	687	1,559,404 00	1 86
Leominster,	853	1,728,997 00	2 07
Lunenburg,	332	730,952 00	86
Mendon,	352	722,565 00	86
Milford,	2,584	3,155,601 00	4 28
Millbury,	918	1,397,538 00	1 78
New Braintree,	199	555,252 00	62
North Brookfield,	715	1,183,803 00	1 48
Northborough,	383	947,539 00	1 09
Northbridge,	677	945,574 00	1 24
Oakham,	245	323,843 00	43

COUNTY OF WORCESTER—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Oxford,	762	$1,156,411 00	$1 48
Paxton,	217	295,067 00	39
Petersham,	367	672,092 00	82
Phillipston,	205	294,353 00	38
Princeton,	336	712,603 00	84
Royalston,	390	823,257 00	97
Rutland,	287	507,516 00	62
Shrewsbury,	461	1,109,424 00	1 28
Southborough,	491	952,552 00	1 15
Southbridge,	839	1,304,825 00	1 66
Spencer,	739	1,294,031 00	1 60
Sterling,	475	978,871 00	1 17
Sturbridge,	596	840,096 00	1 10
Sutton,	692	1,046,341 00	1 34
Templeton,	807	1,089,950 00	1 43
Upton,	566	722,751 00	96
Uxbridge,	846	1,618,969 00	1 95
Warren,	290	914,797 00	1 02
Webster,	785	1,045,039 00	1 38
West Boylston,	602	886,550 00	1 14
West Brookfield,	403	643,823 00	81
Westborough,	662	1,227,016 00	1 49
Westminster,	474	745,615 00	95
Winchendon,	739	1,035,229 00	1 35
Worcester,	6,380	17,626,453 00	19 91
	41,320	$75,412,160 00	$92 17

COUNTY OF HAMPSHIRE.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Amherst,	775	$1,581,521 00	$1 89
Belchertown,	700	1,063,603 00	1 35
Chesterfield,	246	415,746 00	52
Cummington,	292	354,219 00	48
Easthampton,	369	924,567 00	1 06
Enfield,	268	583,850 00	69
Goshen,	113	157,942 00	21
Granby,	261	476,382 00	58
Greenwich,	200	268,824 00	36
Hadley,	517	1,249,679 00	1 45
Hatfield,	353	1,071,747 00	1 19
Huntington,	317	442,651 00	58
Middlefield,	202	308,332 00	39
Northampton,	1,565	3,689,965 00	4 29
Pelham,	188	174,513 00	26
Plainfield,	206	246,735 00	34
Prescott,	165	245,168 00	31
South Hadley,	552	1,040,303 00	1 26
Southampton,	306	496,462 00	62
Ware,	866	1,309,890 00	1 68
Westhampton,	157	298,404 00	36
Williamsburg,	521	906,206 00	1 12
Worthington,	269	430,943 00	54
	9,408	$17,737,649 00	$21 53

COUNTY OF HAMPDEN.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each
Agawam,	390	$693,008 00	$0 85
Blandford,	345	519,151 00	66
Brimfield,	356	700,972 00	84
Chester,	313	456,635 00	59
Chicopee,	1,795	2,782,288 00	3 54
Granville,	384	411,508 00	58
Holland,	111	147,186 00	20
Holyoke,	1,134	2,080,834 00	2 54
Longmeadow,	377	917,994 00	1 06
Ludlow,	308	440,734 00	57
Monson,	658	1,103,143 00	1 37
Montgomery,	98	156,175 00	20
Palmer,	961	1,167,291 00	1 59
Russell,	158	198,462 00	27
Southwick,	332	593,595 00	73
Springfield,	4,023	8,669,806 00	10 23
Tolland,	141	280,774 00	34
Wales,	189	277,868 00	36
Westfield,	1,368	2,801,834 00	3 34
West Springfield,	512	1,011,772 00	1 22
Wilbraham,	516	841,633 00	1 06
	14,469	$26,252,663 00	$32 14

COUNTY OF FRANKLIN.

Ashfield,	353	$606,201 00	$0 75
Bernardston,	258	444,496 00	55

COUNTY OF FRANKLIN—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Buckland,	452	$497,592 00	$0 70
Charlemont,	267	392,972 00	50
Colrain,	426	555,814 00	74
Conway,	437	725,055 00	91
Deerfield,	791	1,181,066 00	1 51
Erving,	146	163,601 00	23
Gill,	173	380,385 00	45
Greenfield,	826	1,534,425 00	1 87
Hawley,	197	225,604 00	31
Heath,	156	255,580 00	32
Leverett,	254	292,830 00	40
Leyden,	136	273,648 00	33
Monroe,	61	83,091 00	11
Montague,	393	564,033 00	73
New Salem,	294	347,945 00	48
Northfield,	457	708,226 00	90
Orange,	468	543,346 00	75
Rowe,	146	223,313 00	28
Shelburne,	406	682,660 00	85
Shutesbury,	219	221,007 00	32
Sunderland,	203	345,843 00	43
Warwick,	271	342,556 00	46
Wendell,	168	232,771 00	31
Whately,	305	624,902 00	74
	8,263	$12,448,961 00	$15 93

COUNTY OF BERKSHIRE.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Adams,	1,575	$2,543,095 00	$3 21
Alford,	144	320,018 00	37
Becket,	408	431,652 00	61
Cheshire,	390	646,771 00	81
Clarksburg,	91	107,505 00	15
Dalton,	293	733,646 00	85
Egremont,	294	452,030 00	58
Florida,	159	119,316 00	19
Great Barrington,	859	1,843,798 00	2 17
Hancock,	191	494,484 00	56
Hinsdale,	397	557,661 00	73
Lanesborough,	326	641,549 00	77
Lee,	956	1,731,778 00	2 12
Lenox,	411	821,416 00	98
Monterey,	191	306,184 00	39
Mount Washington,	53	79,294 00	10
New Ashford,	65	112,993 00	14
New Marlborough,	431	616,976 00	80
Otis,	270	256,822 00	38
Peru,	119	218,200 00	27
Pittsfield,	1,820	5,059,907 00	5 71
Richmond,	240	489,346 00	58
Sandisfield,	385	544,922 00	70
Savoy,	232	268,439 00	37
Sheffield,	571	1,103,728 00	1 34

COUNTY OF NORFOLK—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Stockbridge,	426	$976,256 00	$1 14
Tyringham,	179	293,228 00	37
Washington,	228	301,441 00	40
West Stockbridge,	305	602,010 00	72
Williamstown,	617	1,173,222 00	1 42
Windsor,	211	337,275 00	43
	12,844	$24,186,962 00	$29 36

COUNTY OF NORFOLK.

Bellingham,	319	$474,259 00	$0 61
Braintree,	932	1,431,960 00	1 82
Brookline,	1,131	10,598,546 00	10 62
Canton,	802	2,015,398 00	2 31
Cohasset,	443	1,018,224 00	1 20
Dedham,	1,642	4,379,743 00	4 97
Dorchester,	2,446	10,880,383 00	11 53
Dover,	157	344,741 00	40
Foxborough,	720	1,287,735 00	1 58
Franklin,	553	811,637 00	1 04
Medfield,	279	601,491 00	71
Medway,	786	1,210,746 00	1 54
Milton,	672	3,393,720 00	3 55
Needham,	715	1,604,985 00	1 88
Quincy,	1,630	3,870,000 00	4 48
Randolph,	1,517	2,726,059 00	3 35

COUNTY OF NORFOLK—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Roxbury,	5,463	$24,000,000 00	$25 49
Sharon,	374	651,213 00	81
Stoughton,	1,332	1,758,237 00	2 33
West Roxbury,	1,411	8,337,578 00	8 62
Walpole,	540	1,035,854 00	1 26
Weymouth,	2,211	3,119,993 00	4 06
Wrentham,	751	1,248,397 00	1 56
	26,826	$86,800,899 00	$95 72

COUNTY OF BRISTOL.

Acushnet,	313	$784,837 00	$0 90
Attleborough,	1,385	2,466,316 00	3 03
Berkley,	205	317,290 00	40
Dartmouth,	897	2,948,785 00	3 25
Dighton,	438	711,454 00	89
Easton,	817	1,064,221 00	1 42
Fairhaven,	809	3,596,609 00	3 81
Fall River,	3,279	10,923,746 00	12 00
Freetown,	368	802,214 00	94
Mansfield,	558	711,080 00	95
New Bedford,	5,454	24,196,138 00	25 68
Norton,	452	818,451 00	1 01
Pawtucket,	951	2,000,391 00	2 37
Raynham,	438	1,030,743 00	1 20
Rehoboth,	490	884,436 00	1 08

COUNTY OF BRISTOL—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Seekonk,	555	$1,365,550 00	$1 57
Somerset,	495	914,070 00	1 12
Swanzey,	357	743,335 00	88
Taunton,	3,521	8,211,023 00	9 55
Westport,	709	1,803,564 00	2 06
	22,491	$66,294,256 00	$74 11

COUNTY OF PLYMOUTH.

Abington,	2,210	$3,279,465 00	$4 21
Bridgewater,	841	1,878,831 00	2 20
Carver,	313	490,290 00	62
Duxbury,	670	1,076,386 00	1 38
East Bridgewater,	877	1,327,734 00	1 70
Halifax,	300	321,449 00	45
Hanover,	453	821,527 00	1 01
Hanson,	358	541,567 00	69
Hingham,	1,211	2,481,366 00	2 95
Hull,	64	179,078 00	20
Kingston,	440	1,303,308 00	1 46
Lakeville,	327	572,242 00	70
Marion,	244	469,164 00	56
Marshfield,	472	729,709 00	93
Mattapoisett,	410	815,890 00	99
Middleborough,	1,255	2,260,826 00	2 76
North Bridgewater,	1,577	2,173,965 00	2 85

COUNTY OF PLYMOUTH—Continued.

TOWNS.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Pembroke,	435	$606,200 00	$0 79
Plymouth,	1,507	3,138,613 00	3 73
Plympton,	278	366,835 00	49
Rochester,	345	592,766 00	73
Scituate,	583	944,524 00	1 19
South Scituate,	470	922,853 00	1 11
Wareham,	867	1,101,947 00	1 48
West Bridgewater,	454	764,408 00	95
	16,961	$29,160,937 00	$36 13

COUNTY OF BARNSTABLE.

Barnstable,	1,245	$2,041,534 00	$2 56
Brewster,	340	636,333 00	77
Chatham,	621	886,157 00	1 15
Dennis,	773	1,108,054 00	1 44
Eastham,	214	226,795 00	33
Falmouth,	700	1,323,308 00	1 60
Harwich,	775	841,833 00	1 19
Orleans,	404	487,914 00	66
Provincetown,	806	1,263,695 00	1 60
Sandwich,	988	1,644,433 00	2 05
Truro,	450	381,429 00	59
Wellfleet,	561	617,596 00	87
Yarmouth,	629	1,162,120 00	1 41
	8,506	$12,621,201 00	$16 22

COUNTY OF DUKES COUNTY.

Towns.	Polls.	Property.	Tax of $1,000, including polls at half a mill each.
Chilmark, . . .	182	$598,863 00	$0 66
Edgartown, . . .	546	1,369,721 00	1 57
Tisbury, . . .	471	939,610 00	1 13
	1,199	$2,908,194 00	$3 36

COUNTY OF NANTUCKET.

Nantucket, . . .	1,500	$3,875,598 00	$4 42

Approved March 28, 1861.

An Act concerning the Stoneham Branch Railroad Company. *Chap.* 111

Be it enacted, &c., as follows:

County commissioners to direct and control crossings.

Section 1. The Stoneham Branch Railroad Company, incorporated under the two hundred and sixty-eighth chapter of the laws of the year eighteen hundred and fifty-nine, are hereby allowed to construct their railroad across highways and town ways, at such grade and in such manner as the county commissioners may specify and direct.

Section 2. This act shall take effect upon its passage.

Approved March 28, 1861.

An Act in relation to notice to creditors of persons arrested on mesne process and execution. *Chap.* 112

Be it enacted, &c., as follows:

Time of examination after notice.

Whenever the notice permitted by the thirteenth section of the one hundred and twenty-fourth chapter of the General Statutes shall be served, by leaving a copy thereof at the last and usual place of abode of the plaintiff or creditor, his agent or attorney, not less than twenty-four hours shall be allowed before the time apointed for the examination.

Approved March 30, 1861.

An Act for the appointment of special coroners. *Chap.* 113

Be it enacted, &c., as follows:

Special coroners, powers defined.

Section 1. The governor, by and with the consent of the council, shall appoint one or more special coroners for each county in this Commonwealth, who shall have all the powers

that coroners now have, and be subject to all the laws of this Commonwealth in relation thereto.

Powers of coroners limited.

Section 2. No coroner, except such as shall be appointed under the first section of this act, shall have power to serve lawful processes, nor be required to give a bond exceeding the sum of five hundred dollars. *Approved March* 30, 1861.

Chap. 114 An Act establishing the salary of the sheriff of the county of Berkshire.

Be it enacted, &c., as follows:

The salary of the sheriff of the county of Berkshire shall be eleven hundred dollars. *Approved March* 30, 1861.

Chap. 115 An Act in relation to police courts.

Be it enacted, &c., as follows:

District to fix place for holding court.

Nothing contained in the twentieth section of the one hundred and sixteenth chapter of the General Statutes, shall authorize any police court to be held in any other place, than such as shall be provided therefor by the district for which such court may have been established.

Approved March 30, 1861.

Chap. 116 An Act for the return of officers' fees for service of warrants.

Be it enacted, &c., as follows:

All warrants issued under the provisions of the seventy-fifth chapter of the General Statutes of this Commonwealth, may be returned to the clerks of the superior court, and all fees thereon shall be allowed in the same manner that costs are now allowed in criminal proceedings.

Approved March 30, 1861.

Chap. 117 An Act extending the time for paying in the capital stock of the Phenix Insurance Company.

Be it enacted, &c., as follows:

Time extended one year.

The time allowed by law for paying in the capital stock of the Phenix Insurance Company, in the town of Haverhill, is hereby extended one year. *Approved March* 30, 1861.

Chap. 118 An Act in addition to an act for supplying the city of Worcester with water.

Be it enacted, &c., as follows:

Right to use water from Leicester or Paxton.

Section 1. In addition to the powers heretofore conferred, the city of Worcester is authorized to take and convey into and through said city the waters of East or Lynde Brook in Leicester, or of any other stream or pond in Leicester or Paxton, and to take and hold any land, and build and maintain any structures necessary for said purpose, in the

manner, and subject to the liabilities and restrictions set forth in the one hundred and eighty-ninth chapter of the acts of eighteen hundred and fifty-six.

Section 2. If at any time the supply of water from the source first fixed upon and selected shall be insufficient for the wants of said city, the said city may, by suitable works, conduct water from either of the other sources referred to in this act, or the act to which this is in addition, into the aqueduct first constructed, or into any reservoir therewith connected.

Purchase of necessary land or rights.

Section 3. Said city is further authorized to take and hold by purchase, any lands or rights, and interests therein, which may be necessary for the convenient accomplishment of the purposes of this act.

Section 4. This act shall take effect on its passage.

Approved March 30, 1861.

An Act to increase the capital stock of the Taunton Copper Manufacturing Company. *Chap.* 119

Be it enacted, &c., as follows:

Amount of increase.

Investment.

Proviso.

The Taunton Copper Manufacturing Company is hereby authorized to increase its capital stock an amount not exceeding three hundred thousand dollars, and to invest the same in real or personal estate, as may be necessary and convenient for carrying on the business of said corporation: *provided, however*, that this act shall be void unless said corporation shall, at or before its next annual meeting, comply with the requirements of section two of chapter one hundred and twenty-eight, of the acts of the year eighteen hundred and sixty. *Approved April* 1, 1861.

An Act relating to horse railroad corporations. *Chap.* 120

Be it enacted, &c., as follows:

To make returns.

Section 1. The provisions of the twentieth section of the sixty-eighth chapter of the General Statutes, shall apply to horse railroad corporations, and such corporations are hereby required to do all such acts, and make such returns as other railroad corporations are required to do by the provisions of said twentieth section.

Section 2. This act shall take effect upon its passage.

Approved April 1, 1861.

An Act relating to joint stock corporations. *Chap.* 121

Be it enacted, &c., as follows:

Relating to certificates.

The tenth section of the sixty-first chapter of the General Statutes is hereby so far amended, that the certificate therein

required to be made, stating the amount of capital stock paid in, the name of each stockholder and the number of shares held by him, the amount invested in real and personal estate, and the amount of property owned by and debts due to the corporation, on the first day of November, next preceding the date of the certificate, may state the same matters, as they existed at the date of the annual meeting of said corporation, next preceding the date of said certificate; and said certificate shall state the date of such annual meeting, and shall also state the amount of indebtedness of the corporation on the day of the date of the certificate, which shall be deposited with the clerk of the town or city where said corporation is located, within thirty days from and after the day of the annual meeting aforesaid.

Approved April 1, 1861.

Chap. 122 An Act making appropriations from the moiety of the income of the school fund applicable to educational purposes.

Be it enacted, &c., as follows:

Appropriations for 1861.

Section 1. The sums hereinafter mentioned in this section are appropriated and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, on the warrant of the governor, for the year one thousand eight hundred and sixty-one:

Normal schools.

For the support of the four state normal schools for the current year, under the direction of the board of education, the sum of fourteen thousand five hundred dollars.

Massachusetts Teachers' Association, conditionally.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, on condition that said association shall furnish a copy of the Massachusetts Teacher to each school committee in the several cities and towns of the Commonwealth during the year eighteen hundred and sixty-one, and furnish satisfactory evidence thereof to the auditor of the Commonwealth.

Massachusetts Teachers' Association.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, to be paid to the president or treasurer of the association in the month of August next, to be applied to the purposes of said association.

American Institute of Instruction.

For the American Institute of Instruction, the sum of three hundred dollars, to be paid to the president or treasurer of said institute in the month of August next.

Incidental expenses.

For postage, printing, advertising, stationery, meteorological observations, and all other incidental expenses of the board of education or of the secretary thereof, and also for any contingent expenses of the normal schools not otherwise herein provided for, a sum not exceeding fifty-six hundred dollars.

For the salary of the secretary of the board of education, two thousand dollars. Secretary board of education.

For the support of one or more agents of the board of education, in accordance with chapter thirty-four, section nine, of the General Statutes, a sum not exceeding twenty-five hundred dollars. Agents of board.

For teachers' institutes, in accordance with chapter thirty-five, section two, of the General Statutes, the sum of twenty-eight hundred dollars. Teachers' institutes.

For the support of state scholarships, in accordance with chapter thirty-seven of the General Statutes, the sum of forty-five hundred dollars, in addition to the sum of three hundred dollars now in the hands of the treasurer of the board of education, which he is hereby authorized to apply for the same purpose. State scholarships.

For aid to pupils in the state normal schools, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-two, a sum not exceeding four thousand dollars. Aid to normal pupils.

For the expenses of the secretary of the board of education, in accordance with chapter thirty-four, section eight, of the General Statutes, a sum not exceeding four hundred dollars. Secretary's expenses.

For the expenses of the members of the board of education, in accordance with the provisions of chapter thirty-four, section ten, of the General Statutes, a sum not exceeding two hundred dollars. Members' expenses.

For the support of certain Indian schools, in accordance with the provisions of chapter thirty-six, section five, the sum of four hundred and five dollars. Indian schools.

For county associations of teachers, in accordance with chapter thirty-five, section four, of the General Statutes, a sum not exceeding six hundred dollars. County teachers' associations.

For the enlargement and repairs of the Bridgewater Normal School building, a sum not exceeding four thousand five hundred dollars. Bridgewater Normal school building.

Section 2. This act shall take effect upon its passage.

Approved April 1, 1861.

An Act to confirm the reduction in the stock of the Bay State Bank. *Chap.* 123

Be it enacted, &c., as follows:

The proceedings whereby the capital stock of the Bay State Bank in Lawrence was reduced to the sum of three hundred and seventy-five thousand dollars, by virtue of chapter twenty-five of the acts of the year eighteen hundred and sixty, are hereby confirmed. Proceedings confirmed.

Approved April 1, 1861.

Chap. 124 An Act to incorporate the Claflin Mills.

Be it enacted, &c., as follows:

Corporators. Section 1. Asa F. Smith, Simon A. Knowles, Lucius M. Smith, their associates and successors, are hereby made a corporation by the name of the Claflin Mills, for the purpose of manufacturing cotton and other fibrous materials in the town of Grafton, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

Title. Purpose. Location. Rights, duties, &c.

Real estate. Capital. Shares. Section 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each; and no shares of said corporation shall be issued for a less sum and amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Section 3. This act shall take effect upon its passage.

Approved April 1, 1861.

Chap. 125 An Act to increase the capital stock and change the location of the American Flax Cotton Company.

Be it enacted, &c., as follows:

Capital. Location. Section 1. The American Flax Cotton Company are hereby authorized to increase their capital stock to five hundred thousand dollars, and to change the location of the manufactory of said company, from the town of Watertown, in the county of Middlesex, to Boston, in the county of Suffolk.

Manufacture of flax, hemp, &c. Patent rights. Sale of rights, licenses, &c. Section 2. In addition to the powers heretofore granted, said corporation shall have authority to manufacture from the fibres of flax, hemp, or other fibrous plants, a substance resembling wool or cotton, for use or sale; also to hold letters patent and patent rights for methods and processes of such manufacture, and for machinery connected therewith, or for improvements thereon, and to sell to others such rights, and to grant licenses to others to manufacture, and vend and use said patent rights, and processes, and improvements, in places within the limits of said Commonwealth.

Approved April 1, 1861.

Chap. 126 An Act concerning the trustees of the ministerial fund in Woburn, and the First Congregational Society in Woburn.

Be it enacted, &c., as follows:

May apply to S. J. court for leave to appropriate Section 1. The trustees of the ministerial fund in Woburn, incorporated by an act passed on the twenty-fourth

day of February in the year eighteen hundred and ten, and the First Congregational Society in Woburn, are hereby authorized to apply to the supreme judicial court in the county of Middlesex or Suffolk, by a bill in equity, for leave and authority to use and apply the funds in the hands of said trustees for the payment of the debts of said First Congregational Society. funds to pay debts.

Section 2. The supreme judicial court, upon the filing of said application, shall order notice thereof to be given to all parties interested, by publishing the same in some newspaper published in the county of Middlesex, at least three weeks before a hearing on said application; and after such notice has been given, the court are hereby authorized to decree, if they are satisfied that the interests of said First Congregational Society require it, that said trustees shall use and apply all that portion of the funds in their hands arising by accumulation, or in any other way, from the proceeds of the sale of pews in a meeting-house named in the act aforesaid incorporating said trustees, to the payment of the debts of said First Congregational Society in Woburn; and such decree shall forever absolve said trustees from any obligation to apply that portion of the funds so used, for the payment of the debts of said society, to any other purpose or object. Court to order notice served. May grant leave to use funds in case, etc. Decree to absolve trustees.

Section 3. This act shall take effect upon its passage.

Approved April 1, 1861.

An Act for the protection of agricultural societies and farmers' clubs. *Chap.* 127

Be it enacted, &c., as follows:

Section 1. Any agricultural society or farmers' club shall have power and authority to establish such regulations as it may deem necessary and expedient for the preservation of peace and good order of said society at its regular or annual meetings, shows, fairs or exhibitions, or for the protection of the interests of the same during such shows, fairs or exhibitions: *provided*, that said regulations shall not be repugnant to the laws of the Commonwealth; and *provided, also*, that said society shall cause at least five copies of its regulations to be posted in as many public places on the grounds of said society, not less than forty-eight hours before the time of holding its meetings. May establish regulations. Provisos.

Section 2. No person shall, during the time of holding any cattle-show, fair or exhibition, or meeting of any farmers' club, establish any tent, booth, or vehicle of any kind, within one-half mile of the place of holding said shows or Tents, booths, etc.

meetings, for the purpose of vending any goods, wares, merchandise, provisions or refreshments, without the consent of the proper authorities having charge of the same; nor shall any person be allowed to engage in any gaming, or horse-racing, or to exhibit any show or play during the time of holding any cattle-show, agricultural fair or meeting of any farmers' club at any regular or stated time: *provided*, that any person having his regular place of business within such limits is not hereby required to suspend his business.

Gaming, racing, and shows prohibited.

Proviso.

Penalty.

Section 3. If any person shall violate any of the provisions of this act, he shall forfeit for each offence a sum not exceeding twenty dollars.

Section 4. This act shall take effect upon its passage.

Approved April 2, 1861.

Chap. 128 An Act to enable the city of Springfield to convey certain real estate.

Be it enacted, &c., as follows:

Poor-house farm, city may convey.

Section 1. The city of Springfield is hereby authorized to give, grant and convey, the city farm, otherwise known as the poor-house farm, to any association or corporation, which shall be duly organized for the purpose of establishing an Agricultural School or College, in or near said Springfield; said grant to be conditioned for the promotion of agriculture.

Conditions of conveyance.

Section 2. Said conveyance shall be made in conformity with the provisions of the charter and ordinances of the city, and upon the express condition, that the assent of a majority of the legal voters of said city, voting thereon, shall be obtained thereto, at a meeting to be called and conducted in accordance with the requirements of the charter and ordinances of said city concerning public meetings.

Approved April 2, 1861.

Chap. 129 An Act authorizing the town of Clinton to make an appropriation.

Be it enacted, &c., as follows:

May appropriate for military uniforms.

The town of Clinton in the county of Worcester is hereby authorized to appropriate the sum of one thousand dollars for the purpose of purchasing a suitable uniform for the members of Company C, Ninth Regiment of the Massachusetts Volunteer Militia: *provided, however*, that at a public town meeting legally held for that purpose, two-thirds of the voters of said town present and voting thereon, shall vote to make such appropriation.

Proviso.

Approved April 2, 1861.

An Act concerning guardians and wards. *Chap.* 130

Be it enacted, &c., as follows:

Statutes to apply to estates of non-residents.

Section 1. The provisions of the twenty-third section of the one hundred and ninth chapter of the General Statutes, are hereby extended and shall be construed to apply to the estate of any person under guardianship, residing without the state.

Section 2. This act shall take effect upon its passage.

Approved April 2, 1861.

An Act in relation to liens upon buildings and lands. *Chap.* 131

Be it enacted, &c., as follows:

Limitation of preferment.

Section twenty-eight of chapter one hundred and fifty of the General Statutes, is hereby so far amended, that the attaching creditor shall be preferred only to the extent of the value of the buildings and land, as they were when the labor was commenced, or the materials furnished for which the lien is claimed.

Approved April 2, 1861.

An Act in relation to school districts. *Chap.* 132

Be it enacted, &c., as follows:

Contiguous districts may unite.

Section 1. Any two or more contiguous school districts in any town in this Commonwealth, may be united and form one school district: *provided*, that at a legal town meeting held for that purpose, a majority of the voters present and voting thereon shall be in favor of such union.

Privileges and restrictions.

Section 2. Such school district when formed, shall have all the powers, privileges, and be subject to the liabilities, of school districts under the law of this Commonwealth.

Section 3. This act shall take effect upon its passage.

Approved April 2, 1861.

An Act in addition to "An Act to establish the city of Charlestown." *Chap.* 133

Be it enacted, &c., as follows:

Board of aldermen.

Section 1. The board of aldermen of the city of Charlestown shall hereafter consist of nine members, three to be selected from each ward; and the same shall be elected by the inhabitants of the city at large, voting in their respective wards.

Act to take effect when accepted.

Section 2. This act shall not go into operation until a majority of the citizens voting thereon by ballot, shall accept the same, at ward meetings duly notified for the purpose; and if this act shall be so accepted, it shall take effect upon its acceptance: *provided, however*, that the vote thereon may be taken at the next annual state election in November

Proviso.

next; and if then accepted, it shall go into operation at the then next ensuing municipal election in said city, in the month of December following. *Approved April* 2, 1861.

Chap. 134 An Act to authorize the commissioners for the county of Essex, to borrow money for the erection and alterations of public buildings.

Be it enacted, &c., as follows:

May borrow $25,000.

The county commissioners for the county of Essex, are hereby authorized and empowered to borrrow, on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding twenty-five thousand dollars; the same to be expended by said commissioners, or their successors in office, in erecting a building for the use of the courts and public offices, in connection with the court house in the city of Salem, if the commissioners shall so determine. *Approved April* 2, 1861.

Chap. 135 An Act to incorporate the Dedham and West Roxbury Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Section 1. John T. Whittemore, Joseph P. Woodbury, Charles G. Mackintosh, William Whiting, Andrew S. March, Harrison G. Hunt, T. B. Moses, Everett C. Banfield, Erastus Worthington, Josiah W. Hubbard, George H. Williams, Waldo Colburn, William C. Hibbard, Thomas G. Whytal, their associates and successors, are hereby made a corporation by the name of the Dedham and West Roxbury Railroad Company; with power to construct, maintain and use a railway or railways, with convenient single or double tracks, commencing upon the Dedham Turnpike, now called Shawmut Avenue, in West Roxbury, at the junction of said avenue with the Boston and Providence Railroad, at or near Forest Hills Station; and from that point upon and over said avenue, South, Austin and Spring Streets, to the dividing line between West Roxbury and Dedham, at or near the Vine Rock Bridge; and from said dividing line, upon and over said Vine Rock Bridge and the public streets or highways, to the court house in Dedham; and upon and over such streets or highways in Dedham, to such point or points in said town as may, from time to time, be fixed and determined, in the manner hereinafter provided and assented to in writing by this corporation. Said railroad shall be built and completed to, at or near the court house in said Dedham, within the time specified in this act. Said railroad may be constructed upon any other streets or highways in

Title.

Powers.

Route.

West Roxbury, designated in the manner hereinafter provided, and assented to in writing by this corporation, necessary and proper for opening horse railroad accommodations between Vine Rock Bridge and the aforesaid junction of Shawmut Avenue with the Boston and Providence Railroad.

Construction and maintenance in Roxbury and W. Roxbury.

Section 2. Said corporation is hereby authorized, with the consent of the mayor and aldermen of the city of Roxbury, and the selectmen of West Roxbury, respectively, to construct, maintain and use a railway or railways, with convenient single or double tracks, upon said Shawmut Avenue, in West Roxbury and the city of Roxbury, between the junction of said avenue with the Boston and Providence Railroad, at or near Forest Hills Station and the terminus of the Metropolitan Railroad on said avenue in the city of Roxbury: *provided*, the Metropolitan Railroad Company and the West Roxbury Railroad Company, or either of them, shall not commence constructing a railway between those points as soon as the railroad track of this corporation is constructed upon the whole route herein before designated, between Dedham and said junction, and prosecute the same with reasonable despatch, and complete the same ready for use within forty-five days after the road is built from said Dedham to said junction: *provided*, that the selectmen of said town of Dedham shall grant a location to said company over so much of said route as lies in said town; but if such location is refused, then said company is authorized to commence building their road at Baker Street, in said West Roxbury.

Proviso.

Failure of Metropolitan or West Roxbury company to commence construction as specified, to bar them thereafter.

If the Metropolitan Railroad Company, or the West Roxbury Railroad Company, or either of them fail to commence and construct within the time herein specified, that part of the railroad between said junction and the terminus of the Metropolitan Railroad on said Shawmut Avenue, in the city of Roxbury, and embraced in their respective charters, they, or either of them, shall be forever prohibited from constructing the same, and that right shall be vested in this corporation; and provided nothing herein contained shall authorize this corporation to build said last mentioned railway or otherwise to restrict the rights heretofore granted to the Metropolitan and West Roxbury Railroad Companies by their respective charters, if said companies shall make, in good faith, application to the mayor and aldermen of the city of Roxbury, and the selectmen of the town of West Roxbury, for location of their respective roads over so much of that part of Shawmut Avenue as lies in said city and town north of the northern terminus of this corporation, as stated in section

Proviso.

one, and either of them shall have failed to obtain the same after making reasonable and proper exertion in that behalf.

Notice to abutters by municipal authorities.

Section 3. Before proceeding to locate the track or tracks in any of the streets or highways in the city of Roxbury, or the towns of West Roxbury and Dedham, the mayor and aldermen of said city, and the selectmen of said towns, shall give notice thereof, at the expense of said railroad company, to the abutters on said streets or highways, by publication in such newspapers in the counties of Norfolk and Suffolk as they shall determine, at least three successive weeks before such meeting, of the time and place when and where they will fix and determine the location and manner of constructing such track, or tracks, and such abutters may then and there appear and show cause, if any there be, why such track or tracks shall not be so constructed and located; and if the selectmen of said towns, or either of them, shall refuse to locate the same, the location thereof may be ordered by a majority of the legal voters present and voting thereon at any town meeting held for that purpose.

Construction and maintenance.

Section 4. Said railroad shall be constructed and maintained in such manner and form, upon such gauge and grade as the mayor and aldermen of said city, and the selectmen of said towns, shall prescribe and direct; and whenever it shall be necessary to alter the grade of any street or highway so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the mayor and aldermen of said city of Roxbury, and the selectmen of said towns, respectively.

Alteration of grade.

Proviso.

Motive-power.

Section 5. Said railroad shall be operated with horse-power only. The mayor and aldermen of said city, and the selectmen of said towns, shall regulate the speed and mode of use of said railroad; and at any time after the expiration of one year from the opening for use of said railroad, in any street in which the same may be located, as provided by its charter, the mayor and aldermen of said city, and the selectmen of said towns, may, by a vote of the majority, determine as to the said track, that the same or any part thereof be discontinued; and thereupon the location shall be deemed revoked, in conformity with such vote: *provided*, that such taking and removal shall be at the expense of the said railroad company.

Speed and mode of use, how regulated.

Discontinuance of track.

Highways occupied, corporation to maintain.

Section 6. Said corporation shall keep in repair such portions of the streets and highways as shall be occupied by their tracks, and shall be liable for any losses and injuries sustained by any person by reason of carelessness or mis-

conduct of its agents or servants in the management, construction or use of said road.

Unused track to be removed and highway repaired

Section 7. If said corporation discontinues the use of any part of its railroad, it shall remove the same from the streets or highways, and shall put the streets where the same is removed in as good condition for public travel as they were in when first occupied by said railroad.

Corporation may transfer franchise.

Section 8. Said corporation is authorized to sell, lease or transfer its franchise and all its property or rights, or any part thereof, to any other similar corporation, on such terms as may be mutually agreed upon, and make and execute all instruments necessary for that purpose; and the corporation purchasing the same shall have all the rights, and be subject to the requirements, restrictions and liabilities, herein contained. When a sale or transfer is made, the capital stock shall become a part of the capital stock of the purchasing corporation, but no sale or transfer by this corporation shall prevent the city of Roxbury, and the towns of West Roxbury and Dedham, from purchasing the same at the time and upon the provisions contained in section fourteen.

Transfer to consolidate.

May connect with other roads.

Section 9. Said corporation shall have a right to connect their railroad with the Metropolitan Railroad and the West Roxbury Railroad, but shall not run their cars over said railroads or use them in any manner without the consent of said corporations respectively, and only on such terms as may be mutually agreed upon.

Capital.

Shares.

Section 10. The capital stock of said corporation shall not exceed the sum of one hundred and thirty thousand dollars, to be divided into shares of one hundred dollars each, and no shares shall be issued for a less amount than the par value actually paid in.

Real estate.

Section 11. Said corporation shall have power to purchase and hold such real estate in the city of Roxbury, and the towns of West Roxbury and Dedham, as may be necessary and proper for the management of said railroad.

Rights of municipalities not abridged.

Section 12. Nothing in this act shall be construed to prevent said city and towns from taking up any of the streets or highways traversed by said railroad for any purpose for which they may lawfully take up the same.

Penalty for obstructing corporation

Section 13. If any person shall wilfully or maliciously obstruct said corporation or its agents or servants in the use of said railroad or its tracks, or in the passing of the cars thereon, such person and all aiding and abetting therein shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the county jail not exceed-

Obstruction by corporation.

ing three months. If said corporation or its agents or servants shall wilfully or maliciously obstruct any highway or the passing of any persons or carriages over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Municipalities may purchase.

Section 14. The aforesaid city and towns may at any time after the construction of said road, purchase of said corporation the franchise, and all the property of said corporation, by paying said railroad company therefor, such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock together with a net profit of ten per cent. per annum from the time of the transfer of stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

Conditions.

Annual returns, &c.

Section 15. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed respecting horse railroads.

Act to be accepted and road located in two years.

Section 16. This act of incorporation shall be void, unless accepted by the mayor and aldermen of said city, and the selectmen of said towns, and said road is located by them within two years from the passage of this act; and if the selectmen of said towns, or either of them, refuse to accept said charter or locate said road, the same may be accepted and the location ordered by a majority of the legal voters present and voting thereon.

Fare and freight.

Section 17. Said corporation shall have power to fix from time to time, such rates of compensation for transportation of persons and property, as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Privileges and restrictions.

Section 18. This act shall take effect upon its passage.

Approved April 3, 1861.

Chap. 136

An Act in relation to the sale of intoxicating liquors.

Be it enacted, &c., as follows:

Repeal.

Section 1. The one hundred and sixty-sixth chapter of the acts of eighteen hundred and sixty, entitled "An Act in relation to single acts of Drunkenness," is hereby repealed.

Liability of towns for acts of agents.

Section 2. If any town or city, or their agent, shall refuse or neglect to pay on delivery, for the liquors ordered by them of the state commissioner, pursuant to the eighty-

sixth chapter of the General Statutes, such town or city shall be liable to the commissioner for the full value of the bill of purchase with interest after thirty days: *provided, however*, that the mayor and aldermen of any city, or the selectmen of any town, may notify the commissioner, in writing, not to sell to any agent of such city or town, except for cash, and thereupon, such city or town shall not be liable for any sales made to such agent, after such notice, unless the same are made on the order by letter of the mayor and aldermen of such city, or the selectmen of such town. Proviso.

Commission for sale of liquors defined.

Section 3. The third section of the eighty-sixth chapter of the General Statutes, is hereby so amended, that all sales made by the commissioner in less quantity than the original package, shall be made at a price not exceeding an advance of seven and one-half per cent. upon the actual cost, together with the cost of the analysis.

Party in interest may recover damages for unlawful sale.

Section 4. The thirty-eighth section of the eighty-sixth chapter of the General Statutes, is hereby so amended that the husband, wife, parent, child, guardian or employer, of any person who hereafter may have the habit of drinking spirituous or intoxicating liquor to excess, may, in an action of tort against any person or persons, who shall sell or deliver unlawfully, to the person having such habit, any spirituous or intoxicating liquor, recover as damages any sum not exceeding five hundred, and not less than twenty-one dollars. A married woman may bring such action in her own name, notwithstanding her coverture, and all damages recovered by her shall go to her separate use. In case of the death of either party, the action and right of action given by this section, shall survive to or against his executor or administrator.

Married woman may bring action.

Approved April 3, 1861.

An Act concerning the old colony and fall river railroad company. *Chap.* 137

Be it enacted, &c., as follows:

May maintain railway in Boston.

Section 1. The Old Colony and Fall River Railroad Company is hereby authorized to construct and maintain a railway, beginning at a point on Kneeland Street, between South and Cove Streets, in Boston; thence running southerly to the channel, between Boston proper and South Boston, at or near Clark's Wharf, so called; thence southerly, bearing more westerly across said channel to the South Boston shore at land belonging to the said Old Colony and Fall River Railroad Company, and westerly of their present track; thence curving southerly over land of said Old Colony and Fall River Railroad Company, and near to land of the

South Boston Iron Company, to Fourth Street; thence under said Fourth Street curving, easterly, over or near land of trustees of Cyrus Alger, deceased, and over flats belonging to said Old Colony and Fall River Railroad Company, to a point at or near the westerly corner of flats owned by or in the care of Daniel Denny, and over flats of the Old Colony and Fall River Railroad Company, and over flats owned by or in the care of said Denny, or the trustees of Cyrus Alger's estate, to the New York Central Railroad track; thence over the same to a point in the present track of the Old Colony and Fall River Railroad Company, at or near Dorchester Avenue.

Bridge to South Boston, draw in.

Section 2. The bridge across the channel between Boston and South Boston shall be provided with a suitable draw at least as wide as the draw in the bridge next below it, with sufficient piers, and the lines of the piles of the structure shall be driven in the direction of the current, which draw, with the bridge, shall be constructed under the direction of three commissioners to be appointed by the governor and council, and paid by the railroad company; and said commissioners shall give notice to the mayor and aldermen of Boston, and to all persons owning property in the vicinity, which may be affected thereby, that they intend to locate said bridge. The said bridge shall not be over twenty-six feet in width, and the draw shall at all times be kept in good repair by said railroad company, who shall open it for the passage of vessels by day or night. And said commissioners shall have authority to fix and determine the point on the shore of Boston proper, from which said bridge shall commence, which shall be between the most easterly dock in the wharf of the Boston and Worcester Railroad Corporation and a point three hundred feet easterly of the same; and also the point on the shore of South Boston, at which said bridge shall end, which shall be within four hundred feet westerly of the end of their present bridge; and the Old Colony and Fall River Railroad Company shall locate the railway hereby authorized in conformity to such determination of said commissioners; and none of the work necessary in building said bridge in said channel, northerly of the draw therein, shall be done between the first day of April and the first day of December following in any year: *provided*, that said Old Colony and Fall River Railroad Company shall not occupy any flats within said new line that they have not purchased, without making due compensation for the same to the party entitled thereto.

Construction, and how directed.

Commissioners, authority of.

Location of railway by company.

Proviso.

Section 3. When the railway hereby authorized is constructed and ready for use, all that part of the present track, bridge, and location, of the said Old Colony and Fall River Railroad Company, between the point of intersection with the track hereby authorized in South Boston, and the west side of Lehigh Street in Boston proper, shall be discontinued, and the bridge and piles removed at the expense of the said company. Discontinuance of track.

Section 4. The said Old Colony and Fall River Railroad Company, in the location, construction, and use of the railroad hereby authorized to be constructed, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in the General Statutes concerning railroad corporations. Privileges and restrictions.

Section 5. The bridge, by which the railway hereby authorized passes over the New York Central Railroad track, shall be at least twenty-five feet wide between its abutments, and shall be built in a suitable manner, and kept in repair by said Old Colony and Fall River Railroad Company; and the bridge, by which Fourth Street passes over the railway hereby authorized, shall be built and kept in repair by said Old Colony and Fall River Railroad Company, and shall be at least fifty feet wide. The said Old Colony and Fall River Railroad Company shall have power to raise the present grade of Fourth Street, including Dover Street Bridge, where it passes over the track hereby authorized, twelve feet by such an ascent to the bridge as the board of aldermen shall decide; the expense of which raising on the easterly side of said railway shall be borne by said Old Colony and Fall River Railroad Company, and the expense of raising the street and bridge on the west side thereof by the said railroad company and the city of Boston: *provided, however*, that the city of Boston shall be required to bear only such portion of said expense as is necessary to put said Dover Street Bridge, on the west side of said railway, in such substantial and permanent repair for the purposes of a highway as could be required if said raising had not taken place. Bridge over N. Y. Central, width of, etc. Bridge in Fourth Street. Grade of street. Expense, how borne. Proviso.

Section 6. If the said Old Colony and Fall River Railroad Company and the city of Boston cannot agree upon the proportion of the cost of raising the grade of the street and bridge on the westerly side of the crossing aforesaid to be borne by each, then the whole of the expense of such raising shall be in the first instance paid by said Old Colony and Fall River Railroad Company, and the work of raising to be performed by them, under the direction of the board of aldermen of the city of Boston; and after the whole work Disagreement, how adjusted. Commissioners, how appointed.

has been completed, and the cost has been ascertained, the said Old Colony and Fall River Railroad Company may apply to the supreme judical court, sitting for Suffolk County, for the appointment of three disinterested persons as commissioners to apportion the expense of said work between said Old Colony and Fall River Railroad Company and the city of Boston; and the commissioners appointed by the court shall hear the parties, and make their award apportioning said cost between the said Old Colony and Fall River Railroad Company and said city of Boston, and return the same to the said court, which award, when accepted by the court, shall be binding upon the parties, and shall entitle the Old Colony and Fall River Railroad Company to maintain an action against said city for the proportion of said cost awarded to be paid by said city. The expense of said commissioners shall be borne equally by said railroad company and said city.

Hearing and award.

Expense.

Line established.

Section 7. The line, described in section first of "An Act in addition to an Act entitled 'An Act concerning lines in Boston Harbor,'" passed May seven, eighteen hundred and fifty-five, is hereby established, instead of the tenth line, described and established in and by section fourth of the act passed April second, eighteen hundred and forty-two, entitled "An Act concerning lines in Boston Harbor;" and the said Old Colony and Fall River Railroad Company are hereby authorized and required, within two years from the passage of this act, to build on said line hereby established from the South Free Bridge, a solid stone wall, and also to remove any portion of a stone wall which projects beyond the line hereby established.

Company may build stone wall.

Damages.

Section 8. No damages shall ever be claimed or recovered of the city of Boston by the Old Colony and Fall River Railroad Company for crossing hereafter the track hereby authorized by a public street, provided the street crosses over the track on a suitable bridge. And that portion of the track hereby authorized, where Broadway, if extended, would cross it, shall not be more than twelve inches higher than the said track, where it crosses under Fourth Street.

Altitude of track.

Limitation for location and construction.

Section 9. Unless said Old Colony and Fall River Railroad Company shall locate the railroad hereby authorized within two years, and construct and complete the road within five years from the passage hereof, the whole of this act, except section seventh, shall be void. *Approved April* 3, 1861.

An Act providing for the safe keeping of property in the possession of persons committed to prison. *Chap.* 138

Be it enacted, &c., as follows:

Officers to keep record.

Section 1. The warden of the state prison, the masters and keepers of the several jails and houses of correction in this Commonwealth, shall cause to be kept a book of record in which shall be recorded a correct account of all money or other property, found in the possession of prisoners committed to the aforesaid institutions; and said officers shall be held responsible to the Commonwealth for the safe keeping and delivery of said property to said prisoners, either upon their order or receipt at any time before or at the time of their discharge therefrom.

Section 2. This act shall take effect upon its passage.

Approved April 6, 1861.

An Act concerning shipping and pilotage. *Chap.* 139

Be it enacted, &c., as follows:

Pilot commissioners to record and report disasters.

Section 1. The commissioners of pilots shall ascertain, as near as may be, and report annually to the secretary of the Commonwealth, in accordance with section fourteen of chapter fifty-two of the General Statutes, the names, class, tonnage and value of vessels and cargoes wrecked, stranded, run ashore, foundered, or lost, within the waters or upon the coasts of Massachusetts, together with the number of lives lost in consequence thereof.

Names of pilots, if any, &c.

Section 2. The commissioners are hereby also required to report whether pilots were on board at the time of the occurrence of the aforesaid disasters, and if so, to state their names, and for what port or ports they hold commissions.

Information may be required.

Section 3. The aforesaid commissioners are hereby authorized to require pilots to furnish, under suitable regulations, such information as the commissioners may deem requisite for the purposes of this act.

Approved April 6, 1861.

An Act in addition to "an act to establish the city of Lawrence." *Chap.* 140

Be it enacted, &c., as follows:

Assessors of taxes to be elected for three years.

Section 1. The city council of the city of Lawrence shall, in the month of March or April, in the year eighteen hundred and sixty-two, elect by joint ballot, in convention, three persons to be assessors of taxes; the person first chosen to hold office for three years, the person next chosen to hold office for two years, and the person last chosen to hold office for one year, from said election; and said council shall in like manner, in the month of January or February, in each

succeeding year, elect a member of said board, who shall hold office for the term of three years from his election.

Vacancy, how filled

Section 2. In case of a vacancy in said board of assessors, by death, resignation, removal or otherwise, such vacancy shall be filled by choice of another assessor in the manner aforesaid, who shall hold his office for the unexpired term for which the member in whose place he shall be elected would have held the same.

Repeal.

Section 3. So much of the provisions of the eighth section of "An Act to establish the city of Lawrence," as relates to the election of assessors, is hereby repealed.

Act to be accepted.

Section 4. This act shall take effect from and after its acceptance by a majority of the citizens voting thereon, at ward meetings duly notified for the purpose.

Approved April 6, 1861.

Chap. 141 An Act to establish the salary of the justice of the police court, in Lee.

Be it enacted, &c., as follows:

The salary of the justice of the police court of Lee shall hereafter be five hundred dollars. *Approved April* 6, 1861.

Chap. 142 An Act in relation to streets on the back bay.

Be it enacted, &c., as follows:

Plan confirmed.

The various streets and ways on the Back Bay, in the city of Boston, and on the northerly side of the Mill-dam, as laid down on the general plan thereof, accompanying the fifth annual report of the commissioners on the Back Bay, and dated Boston, January twenty-first, eighteen hundred and fifty-seven, and deposited in Suffolk Registry of Deeds, August thirty-first, eighteen hundred and fifty-eight, with such modifications and alterations as have been made by the commissioners, shown on the plan recorded in Suffolk Registry of Deeds, liber seven hundred and eighty-eight, folio one hundred and fifty-nine, are hereby ratified and confirmed; and the said commissioners shall have the general control of all streets, ways, and squares on the land of the Commonwealth, and may offer them, or any portion of them, for acceptance by the city of Boston, on such terms and conditions as they may deem expedient, subject to the approval of the governor and council: *provided*, that nothing herein contained shall be construed to authorize the commissioners on the Back Bay to postpone or modify the operation of the fourth section of chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine. *Approved April* 6, 1861.

Commissioners, powers of.

Proviso.

An Act relating to the militia. *Chap.* 143

Be it enacted, &c., as follows:

Section 1. The first section of the forty-ninth chapter of the acts of eighteen hundred and sixty-one, is hereby so far amended that companies of infantry and riflemen shall be limited to fifty privates: *provided*, that when, in the judgment of the commander-in-chief, the exigencies of actual service may require it, the limit thereof shall be sixty-four privates. Limitation of privates. Proviso.

Section 2. This act shall take effect upon its passage.

Approved April 6, 1861.

An Act ratifying the election of town officers in the year eighteen hundred and sixty-one. *Chap.* 144

Be it enacted, &c., as follows:

Section 1. The election of town officers in the several towns in this Commonwealth, made at the annual town meetings in the year eighteen hundred and sixty-one, so far as the same may be illegal, for the reason that the check list was not used, in the election of said officers, or the moderator of any such meeting, is hereby ratified and confirmed; and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Section 2. This act shall take effect upon its passage.

Approved April 6, 1861.

An Act defining the qualifications of voters for representatives to congress. *Chap.* 145

Be it enacted, &c., as follows:

Section 1. In any election of representatives to congress in this Commonwealth, no person shall be allowed to vote for the same until he shall have resided in the congressional district where he offers to vote, six months next preceding such election, and shall be otherwise qualified according to the constitution and laws of this state: *provided*, that when the state shall be districted anew for members of congress, he shall have the right so to vote in the district where he is located by such new arrangement; and *provided*, *also*, that no voter residing in any city which now is, or hereafter may be divided by the line between congressional districts, shall be deprived of his vote in the district in which he was assessed, or liable to assessment on the first day of May next preceding such congressional election, if he be otherwise qualified. Residence in district. Provisos.

Section 2. This act shall take effect upon its passage.

Approved April 6, 1861.

Chap. 146 An Act in addition to an act to define the costs of criminal prosecutions.

Be it enacted, &c., as follows:

Fees of salaried officers to be paid to city or town.

Section 1. All fees for services in criminal cases rendered or performed by any constable, city marshal or other officer, who receives a salary for his official services from a city or town, shall be allowed and taxed as in behalf of other officers; but all said fees shall be paid to the city or town from which such officer receives his salary.

Section 2. This act shall take effect upon its passage.

Approved April 6, 1861.

Chap. 147 An Act to incorporate the Duxbury Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Section 1. John S. Loring, Stephen N. Gifford and Joshua W. Swift, their associates and successors, are hereby made a corporation, by the name of the Duxbury Railroad

Powers.

Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks,

Location.

from some point in the town of Kingston, at or near the depot of the Old Colony and Fall River Railroad Company, and upon and over such of the streets and highways of said town, as shall be, from time to time, fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with said selectmen, to the intersection of the same with the streets and highways of the town of Duxbury, and then upon and over such of the streets and highways of the said town of Duxbury, as shall be, from time to time, fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with the selectmen of said town, and also over and upon such other land in said towns, as said corporation may elect to build their road or roads upon, and over, to some convenient point or points in said town of Duxbury.

Motive-power.

Fare and freight.

Section 2. Said tracks or roads shall be operated and used by said corporation with horse-power only; said corporation shall have power to fix from time to time, such rates of compensation for transporting persons and property as

Speed and use of tracks.

they may think expedient; and the selectmen of said towns shall have power at all times to make all such regulations as to the rate of speed and mode of the use of the tracks as the public convenience and safety may require.

Highways, repair of.

Section 3. Said corporation shall keep and maintain in repair such portion of the streets and highways, respectively,

Liability for loss from neglect.

as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of

any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay to said towns, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such writ or writs, in which recovery may be had; and said corporation shall not incumber any portion of the streets or highway, not occupied by said road or tracks.

May issue bonds.

Section 4. Said corporation is hereby authorized to issue bonds for the purpose of constructing or equipping their road, the amount thereof not to exceed the amount of capital stock paid in, of the same kind, in the same manner, upon the same terms, conditions and restrictions, and to be approved, certified, recorded and secured, in all respects in the same way as the bonds which the Cliftondale Railroad Company has been authorized by law to issue.

Conditions.

Penalty for obstruction of road.

Section 5. If any person shall wilfully and maliciously obstruct said corporation, in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person and all who shall be aiding or abetting therein shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail not exceeding three months.

Obstuction by corporation.

Section 6. If said corporation or its agents or servants shall wilfully and maliciously obstruct any highways or passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital.

Shares.

Section 7. The capital stock of said corporation shall not exceed forty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

Section 8. Said corporation shall have power to purchase and hold such real estate within said towns, as may be convenient or necessary for the purposes and management of said road.

Rights of towns unimpaired.

Section 9. Nothing in this act shall be construed to prevent the selectmen of said towns from entering upon and taking up any of the public streets or highways, traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Acceptance of act and construction of road.

Section 10. This act shall be void, so far as relates to the right to construct said road in said towns, unless the

same shall be accepted by the selectmen of said towns, and unless the same shall be accepted by said corporation, and unless said road shall be located within three years from the passage of this act.

Annual returns.

Section 11. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law, and shall have all the rights and powers of railroad corporations under existing provisions of law, to purchase or otherwise take, any land necessary for making their railroad, outside of the streets and highways, and shall be subject to all existing provisions of law, applicable to railroad corporations, for the assessment and payment of damages for land so taken.

Powers and duties.

Section 12. This act shall take effect upon its passage.

Approved April 6, 1861.

Chap. 148 An Act to incorporate the Worcester Horse Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Section 1. Albert Curtis, Loring Coes, William H. Heywood, John C. Mason, Frederic W. Paine, Joseph Sargeant, and James H. Wall, their associates and successors, are hereby made a corporation by the name of the Worcester Horse Railroad Company, with power to construct, maintain and use a railway, with convenient single or double tracks, from such point or points on Main Street, in the city of Worcester, as shall be from time to time fixed by the mayor and aldermen of said city, with the assent, in writing, of said corporation, filed in the office of the city clerk of said city; then upon and over such street or streets, and such highway or highways, as shall be designated by a vote of the mayor and aldermen of said city.

Name.

Powers.

Location.

Crossing other tracks, restrictions upon.

Section 2. The corporation hereby created, in crossing all the branches and lateral tracks of any other railroad company, shall cross in such a manner as not to injure any of the said tracks or branches, and the rails thereof, and shall insert no frogs therein, and make no incisions into the rails thereof without the consent of said company, but shall cross the same as the Watertown branch of the Fitchburg Railroad Company is now crossed in Watertown, by the Waltham and Watertown Railroad Company, unless some other arrangement shall be made between said companies.

Motive-power.

Rate of speed and use of tracks.

Section 3. Said tracks or roads shall be operated and used by said corporation with horse-power only. The mayor and aldermen of the city of Worcester shall have power, at

all times, to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public safety and convenience may require.

Section 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against said city of Worcester, by reason of such defect or want of repair, said corporation shall be liable to pay to said city of Worcester any sums thus recovered against said city, together with all costs and reasonable expenditures, incurred by said city in the defence of any such suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks. Highways, maintenance of. Liability for injury from carelessness.

Section 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months. Penalty for obstruction of corporation.

Section 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars. Obstruction by corporation.

Section 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital. Shares.

Section 8. Said corporation shall have power to purchase and hold such real estate within said city of Worcester, as may be convenient or necessary for the purposes and management of said road. Real estate.

Section 9. The said road shall be constructed and maintained in such form and manner, and upon such grade as the mayor and aldermen of said city of Worcester may in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same Construction and maintenance. Alteration of grade. Proviso.

shall be assented to by the mayor and aldermen of said city of Worcester.

Control of highways by selectmen.

Section 10. Nothing in this act shall be construed to prevent the mayor and aldermen of said city from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Discontinuance of road in certain cases.

Section 11. At any time after the expiration of one year from the opening for the use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the mayor and aldermen of the city of Worcester may determine as to so much of said tracks as is located with said city, that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said mayor and aldermen of the city of Worcester; and such taking up and removal shall be at the expense of said railroad corporation.

Worcester may purchase road.

Section 12. The city of Worcester may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights, and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon.

Conditions.

Act void unless accepted, and road located, within two years.

Section 13. This act shall be void, so far as relates to the right to construct said road in said city of Worcester, unless the same shall be accepted by the mayor and aldermen of said city of Worcester, and unless the same shall be accepted by said corporation, and unless said road shall be located within two years from the passage of this act.

Annual returns.

Section 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are, or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for tracks; and to all general provisions of law that are, or may be, prescribed relative to horse or street railroads.

Damages.

Section 15. This act shall take effect upon its passage.

Approved April 6, 1861.

An Act in relation to school districts in Freetown. *Chap.* 149

Be it enacted, &c., as follows:

Section 1. The town of Freetown is hereby authorized to reorganize the "Village District," so called, in said town, so as to constitute two districts; and said districts shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and restrictions, of school districts. Reorganization authorized.

Section 2. This act shall be void unless the inhabitants of said town, at a legal meeting called for the purpose within one year from the passage of this act, shall reorganize said district as above provided. Limitation of time.

Approved April 6, 1861.

An Act to incorporate the Cape Cod Mutual Fire Insurance Company. *Chap.* 150

Be it enacted, &c., as follows:

Zebina H. Small, Obed Brooks, Chester Snow, Nathaniel Snow, Benjamin T. Freeman, Joseph K. Baker, junior, Marshall S. Underwood, John K. Sears, Joseph Cummings, Benjamin Freeman, Alexander Kenrick, their associates and successors, are hereby made a corporation by the name of the Cape Cod Mutual Fire Insurance Company, to be established in the town of Harwich, for the purpose of effecting mutual insurance, exclusively within the county of Barnstable, upon dwelling-houses, other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to mutual fire insurance companies. Corporators. Name. Location. Privileges and restrictions.

Approved April 6, 1861.

An Act regulating the construction of wooden buildings in the city of Springfield. *Chap.* 151

Be it enacted, &c., as follows:

Section 1. The city council of the city of Springfield are hereby authorized and empowered to make all such regulations, ordinances and by-laws, as they may deem expedient concerning the erection, construction and placing of wooden buildings within the limits of said city, for protection against fire, to establish districts within which wooden buildings, except of a prescribed size, shall not be erected, and to prescribe such penalties as they deem proper, for the violation of any such regulations, ordinances or by-laws. City Council to make regulations, &c.

Section 2. Any building hereafter erected, constructed or placed contrary to the provisions of such by-laws, ordinances, or regulations, shall be deemed and taken to be a common nuisance; and the mayor and aldermen shall have Violations of ordinances, &c.

Power of mayor and aldermen.

the like power and authority to abate and remove the same, as is given to the board of health in the eighth, ninth and tenth sections of the twenty-sixth chapter of the General Statutes: *provided*, that nothing in this section shall be construed as affecting any remedy already given in the preceding section. *Approved April* 6, 1861.

Proviso.

Chap. 152 An Act concerning the form of policies of fire insurance.

Be it enacted, &c., as follows:

Conditions of insurance to be expressed in policy.

Section 1. In all insurance against loss by fire, hereafter made by companies chartered or doing business in this Commonwealth, the conditions of the insurance shall be stated in the body of the policy, and neither the application of the insured nor the by-laws of the company, as such, shall be considered as a warranty or part of the contract.

Section 2. This act shall take effect on the first day of July, eighteen hundred and sixty-one. *Approved April* 6, 1861.

Chap. 153 An Act to incorporate the Bank of Petty Loans and Savings.

Be it enacted, &c., as follows:

Corporators.

Section 1. Frederic W. Sawyer, James Phillips, J. Wingate Thornton, William Endicott, junior, James H. Weeks, Albert Bowker, Daniel J. Coburn, J. S. Ropes, Seth E. Brown, Edward Brown, Oliver Ditson, Charles F. Barnard, Frederic W. G. May, T. Henry Perkins, Alanson Abbe, their associates and successors, are hereby made a corporation by the name of the Bank of Petty Loans and Savings, to be located in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of the Commonwealth, relative to savings institutions, except so far as otherwise provided in this act.

Title.

Location.

Powers, duties, &c.

Loan on real estate.

Section 2. One moiety or more of the funds of the bank, if so applied for, shall be loaned on unincumbered productive real estate, situated within the Commonwealth, preference first being given to small loans.

Failure of borrower to fulfil conditions of loan.

Section 3. In case the borrower neglects or refuses to fulfil any of the conditions on which the loan was made to him, as expressed in the deed, the bank shall have the same remedies for determining his estate in the premises, and of ejecting him from the same, as is now provided by law for determining the estate of tenants at will, and ejecting them from the same for non-payment of rent.

Foreclosure.

Section 4. In the case of any and all sales by the bank, of premises held by the bank as security for any loan, under

a power of sale, mortgage, or other conveyance providing for a public sale of the same to satisfy the terms of the loan, the averment by the bank in its deed of the premises that the borrower had neglected or refused to fulfil the conditions of the loan or some of them, and that due notice of the time and place of sale had been duly given, and that all the terms and conditions on which the right of the bank to sell and convey the same had been fully and faithfully complied with, shall be final and conclusive evidence of those facts as between the borrower, and all third persons claiming said estate by, through or under said bank; but the borrower may have his action for damages against said bank for any false averment in that particular.

Small loans.

Section 5. Loans in small sums shall be on a time fixed, but the borrower shall have the privilege of paying off the loan in whole or in part, at any time within the time limited for payment; interest to be taxed only on the sum owing or unpaid to the time of payment.

Liability of heirs executors, &c.

Section 6. Wherever in this act any duty, liability, right, power, privilege, immunity or disability is granted, secured or imposed on the "borrower," "pledgor" or "bank," the same shall be equally held to be granted, secured, or imposed on the heirs, executors, administrators, and assigns of the "borrower" and "pledgor," and the successors and assigns of the said "bank." *Approved April* 6, 1861.

An Act to suspend "an act in relation to the flowage of the meadows on Concord and Sudbury rivers." *Chap.* 154

Be it enacted, &c., as follows:

Act stayed until May 1, 1862.

Section 1. The act passed on the fourth day of April, in the year one thousand eight hundred and sixty, entitled "An Act in relation to the flowage of the meadows on Concord and Sudbury Rivers," is hereby suspended, and the operation of the same, and all acts and doings under and by virtue of the same, are hereby stayed and forbidden until the first day of May, in the year eighteen hundred and sixty-two; and the rights of no person are to be affected by any acts heretofore done under said act.

Engineers, &c., to be appointed as experimenters.

Section 2. The governor shall appoint, with the advice and consent of the council, three suitable and competent persons, two of whom shall be civil engineers, experienced in the management and operation of water, who shall make such experiments with the dam across the Concord River at North Billerica, erected by the proprietors of the Middlesex Canal, and the water raised by said dam, as shall be necessary to determine whether said dam affects, and if so, to what extent,

the meadows on said Concord and Sudbury rivers, above said dam, and report the results of the same, and their conclusions, to the governor, on or before the first day of January, in the year one thousand eight hundred and sixty-two, who shall forthwith communicate the same to the general court.

Compensation fo damages.

Section 3. If the owners and persons entitled to the use of the water raised by said dam, shall not on or before the first day of May next, by notice thereof given in writing, to the attorney-general, waive all claim for compensation for damages that may be caused by said experiments during seven consecutive days, to be designated by said commissioners, then this act shall be void: *provided*, that nothing contained in this act shall be construed to limit the time during which the said commissioners may institute and carry on said experiments.

Proviso.

Other injuries to property, how redressed.

Section 4. If any other injury is done to the property of any person by making such experiments, said commissioners shall award damages therefor, to be applied for within three months after the injury so done. Any person dissatisfied with the award of said commissioners, may have a trial by jury to estimate his damages, which jury shall be applied for to the county commissioners of Middlesex County, within the same time, and in the same manner, as is by law provided for the estimation of damages occasioned by the laying out of highways; and all the proceedings shall be governed by the laws providing for the estimation of damages occasioned by the laying out of highways, by a jury, except that all notices required to be given shall be served on the attorney-general, who may appear at the trial of such application. And the damages, when ascertained, together with legal costs, shall be paid out of the treasury of the Commonwealth, the governor being hereby authorized to draw his warrant therefor.

Trial by jury.

Payment of damages.

Section 5. This act shall take effect upon its passage.

Approved April 9, 1861.

Chap. 155 An Act to incorporate the Midland Land Damage Company.

Be it enacted, &c., as follows:

Corporators.

Section 1. Joseph W. Ward, Oliver S. Sanford, Stephen Baker, being owners of land covered and occupied by the Midland Railroad, or the assigns of such owners, and actual holders and owners of valid unpaid claims for land damage thereon, and their associates, successors and assigns, are hereby created a corporation by the name of the Midland Land Damage Company, with the rights and powers, and for the purpose hereinafter set forth.

Title.

Organization.

Section 2. The persons named in the above section, or a majority of them, shall meet and organize in the manner

provided in the sixty-third chapter of the General Statutes of the Commonwealth of Massachusetts, within sixty days from the passage of this act, and upon filing with the secretary of the Commonwealth a copy of the record of the organization of the company, and a notice of the acceptance of this act by a majority of said corporators by them subscribed, with a certified copy of a vote of acceptance of the same, by the Midland Railroad Company, at a meeting duly called for that purpose at the office of the company in Boston, by a majority of the stock represented, which majority shall include at least two-thirds of the six per cent. preferred stock of said company, represented at said meeting. Said Midland Land Damage Company may enter upon and take possession of the said Midland Railroad, and all the appurtenances thereof, including the depots, buildings, lands, and apparatus of all kinds used in connection therewith, subject, however, to all existing liens, mortgages and claims for land damages now existing and unpaid, to be had and held by the said Midland Land Damage Company, their successors and assigns, with all the rights and privileges hereinafter provided.

Midland Railroad Company.

Section 3. The corporation hereby created shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-third chapter of the General Statutes of this Commonwealth, for the purpose of purchasing or discharging the liens and mortgages on the said road and the property thereof between its terminal points, and including its branch to Southbridge, and repairing, completing, improving, furnishing, managing, running and operating the said railroad, and all parts thereof, in the manner provided by law. They shall also have the power to retain the use and possession, and the profits of said railroad, and all the appurtenances thereof, until the receipts of net profits therefrom shall amount to a sum equal to all the land damages, mortgages, bonds and other liens paid and discharged or held by them with interest thereon, together with all the sums of money expended for the use and benefit of the road, as aforesaid, with ten per cent. interest thereon, or until the property shall be redeemed by the Midland Railroad Corporation, in the manner hereinafter provided.

Powers, duties, &c.

Section 4. The capital stock of the company hereby created, shall not exceed one and a half millions of dollars, and shall be divided into shares of one hundred dollars each; and any land claimant shall be entitled to one share of stock for every hundred dollars he may pay into the treasury, or

Capital.

Shares.

Title of land claimants.

assign to the corporation hereby established, in valid liquidated claims for land damage or cash, within six months from the filing of said certificate.

Right of redemption.

Section 5. The Midland Railroad Company shall have a right to redeem their railroad and all the apurtenances thereof, with all the additions made thereunto, by paying or tendering to the treasurer of the corporation hereby established, the amount of land damages subscribed to the stock of this corporation, and of all moneys by them lawfully expended, or paid under and by virtue of this act, together with ten per cent. interest thereon, after deducting the amount of net profits received by them over and above the salaries and other expenses incident thereto, at any time within eighteen months from the time of filing the certificate of acceptance and organization under this act.

Neglect or refusal to redeem.

Section 6. In case the Midland Railroad Company shall neglect or refuse to redeem their property agreeably to the rights and provisions hereby created, their act of incorporation, entitled "An Act to incorporate the Midland Railroad Company," approved March nineteenth, A. D. eighteen hundred and fifty-eight, shall be, and hereby is, repealed, and all the rights, title and interest of said company in said Midland Railroad and its branch, appurtenances and other property used in connection therewith, shall be vested in the corporation hereby established, subject to all mortgages and valid liens thereon.

Transfer of rights and property.

Section 7. The Midland Railroad Company are hereby empowered at any time before the expiration of their charter, to sell, assign and transfer to said Midland Land Damage Company the debts, bonds, claims, liens, rights and securities or any part thereof, purchased by them under the provisions of their charter, and to convey to said Midland Land Damage Company, all their railroad with its branch, lands, appurtenances, rolling stock, franchise and other property, subject to any valid mortgage or other lien thereon, upon such terms as shall be mutually agreed upon between said companies: *provided*, that such sale shall be authorized or sanctioned by a meeting of the stockholders of the Midland Railroad Company duly called; and the corporation hereby established are hereby authorized to take and hold such conveyance, and thereupon to enjoy all the rights and privileges set forth in the original charter of the Midland Railroad Company, or subsequently acquired by them, subject to all valid liens or mortgages thereon; and the said corporation hereby established, may thereupon use, enjoy, lease, sell or convey the same to any other railroad

Proviso.

company, and such last named company is hereby empowered to purchase and hold the property thus conveyed and may increase its capital to an amount sufficient therefor; and the corporation hereby established may purchase and hold in common with any connecting railroad, an interest in any cars used for conveyance of through freight or travel. Increase of capital.

Section 8. The corporation hereby established shall succeed to and hold, in as full and ample a manner as the same are held by the persons or corporations holding the same, all the claims to land damages which shall be subscribed to the capital stock of this company, and all the liens, mortgages, bonds, and claims to land damages which they shall acquire by purchase; and shall succeed to and hold, and may enforce all the rights and remedies which were possessed by the original holders thereof. Claims to land damages.

Section 9. Nothing herein contained shall be construed to authorize the corporation hereby established, to divest any parties now in possession, under any mortgages or other liens, of any part of said railroad or its appurtenances, of such possessions, without paying or tendering to them payment of the amount due thereon: and nothing herein contained shall in any way prejudice or impair any of said mortgages, liens or claims to land damages, or the rights or remedies of any land owners or claimants of land damages upon the line of said railroad. Protection to mortgagees.

Section 10. Any executors, administrators, guardians, trustees, agents and parties holding claims as collateral, who hold any claims for land damages against said Midland Railroad or any part thereof or its branch, or against either of the corporations heretofore owning the same, are hereby authorized to transfer the same to the corporation hereby established, and to receive the pay therefor in certificates of stock, and hold the same in lieu of said claims for land damages. Transfer of claims for land damages.

Section 11. In case the Midland Railroad Company shall fail to accept of this act, and to certify such acceptance to the secretary of this Commonwealth within sixty days after the passage of this act, and after such failure, shall fail for eighteen months from the passage of this act to pay said claims for land damage and the interest thereon, and to put said Midland Railroad, between its terminal points in Boston in this Commonwealth, and Thompson in Connecticut, including the Southbridge branch, in good running order, and to have the same duly run, then said act entitled "An Act to incorporate the Midland Railroad Company," Acceptance of act. Conditional repeal.

approved March nineteenth, A. D. eighteen hundred and fifty-eight, shall be, and hereby is, repealed.

Failure to fulfil conditions, to repeal act.

Section 12. In case the Midland Railroad Company shall accept this act as before provided, and the company hereby created shall fail for eighteen months after the filing of the certified copy of the vote of their acceptance, to put said Midland Railroad between its terminal points in Boston, in this Commonwealth, and Thompson in Connecticut, including its Southbridge Branch, in good running order, and to have the same duly run, then this act shall be, and the same is, hereby repealed.

Section 13. This act shall take effect upon its passage.

Approved April 9, 1861.

Chap. 156 An Act to extend the railroad of the old colony and fall river railroad company to the line of the state of rhode island, and for other purposes.

Be it enacted, &c., as follows:

Extension, construction and location.

Section 1. The Old Colony and Fall River Railroad Company are hereby authorized to extend, locate, construct and maintain a railroad from a point at or near the present terminus of its track in Fall River, in a southerly direction, to the line of the State of Rhode Island, to connect with a railroad to be constructed from Newport, in the State of Rhode Island, to the line of the State of Massachusetts, and for that purpose shall have all the powers and privileges, and be subject to all the duties, liabilites and restrictions, set forth in the General Statutes relating to railroad corporations: *provided, however*, if said railroad track shall be located across the pond or reservoir in Fall River, from which water is supplied to the American Print Works and the Linen Mills, the same shall be constructed upon a pile bridge, and not upon a solid structure.

Powers, duties, &c.

Proviso.

Reserved funds.

Section 2. No part of the present reserved funds of said Old Colony and Fall River Railroad Company, shall be appropriated to build the extension hereby authorized, or to build any portion of the road in Rhode Island. The capital stock of said corporation may be increased not to exceed two thousand shares, when and as the directors thereof shall, from time to time, determine; and no share shall be issued by said corporation unless the sum of one hundred dollars is paid therefor.

Increase of capital.

Value of shares.

Connection with other roads.

Section 3. The Old Colony and Fall River Railroad Company is hereby authorized to enter upon and connect with any railroad authorized by the legislature of Rhode Island to be built from Newport to the State line of Massachusetts, and shall have all the powers, rights and privileges, in reference to said connection with said railroad in Rhode

Island, as are provided by law for railroads entering upon and connecting with each other in this Commonwealth.

Transfers of freight.

Section 4. The Old Colony and Fall River Railroad Company shall, if required by the Bay State Steam-boat Company, deliver to said last named corporation, at Fall River, all articles of freight received by said railroad corporation for transport and to be sent to New York by said Steam-boat Company, unless otherwise specially ordered by the owners thereof.

Limit of time for location, building, &c.

Section 5. Unless the extension of the Old Colony and Fall River Railroad Company hereby authorized, is located within two years from the first day of April next, and built and completed within four years from said first day of April next, and unless this act is accepted by said corporation at a meeting of the stockholders called for that purpose, this act shall be void.

Section 6. This act shall take effect upon its passage.

Approved April 9, 1861.

An Act for the regulation of the fisheries in the town of Winchester. *Chap.* 157

Be it enacted, &c., as follows:

Act for preservation of fish, and regulation of fisheries, to extend, &c.

Section 1. The provisions of the act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An act to prevent the destruction of the fish called shad and alewives in Mystic River, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose," and also the provisions of the act passed on the second day of February, in the year of our Lord one thousand eight hundred and sixteen, entitled "An act for the regulation of the fishery in Woburn," shall extend to the town of Winchester, in the county of Middlesex, and to all the streams therein running from any of the ponds or other waters there into Mystic Pond, so called.

Election and powers of committee.

Section 2. "The Committee for the preservation of Fish," in the town of Winchester, may be elected either in the month of March or April, annually, and they shall be invested with all the powers and authority conferred by the acts aforesaid on the committees of the several towns therein mentioned.

Construction of act.

Section 3. Nothing in this act shall be construed to repeal, modify, or affect any of the provisions of the act entitled "An act to supply the city of Charlestown with pure water," approved March twenty-eight, one thousand eight hundred and sixty-one.

Section 4. This act shall take effect upon its passage.

Approved April 9, 1861.

Chap. 158 An Act to abolish the police court in Milford.

Be it enacted, &c., as follows:

Repeal. Section 1. So much of the one hundred and sixteenth chapter of the General Statutes, as relates to the establishment of a judicial district in the town of Milford under the jurisdiction of a police court, is hereby repealed.

Unfinished business of court. Section 2. All matters, pending before said court at the time when this act shall take effect, shall be heard and determined by the present judge of said court, who shall be entitled to the same fees accruing thereafter as would in such cases belong to a trial justice or justice of the peace having jurisdiction in like matters; and if for any reason said judge shall fail to consider and determine such matters, they shall be heard and determined by the trial justice residing nearest to said Milford, or by a trial justice in said town of Milford, if any such shall reside therein.

Act to be accepted by legal voters. Section 3. This act shall take effect whenever a majority of the legal voters of the town of Milford, present and voting at a meeting duly warned and called for that purpose, before the first day of July next, shall by ballot vote to accept the same.

Approved April 9, 1861.

Chap. 159 An Act in relation to the election of clerks of police courts.

Be it enacted, &c., as follows:

Amendment of General Statutes. The fourth section of the one hundred and sixteenth chapter of the General Statutes, is hereby amended by striking out the words "or national" in the fourth line thereof.

Approved April 9, 1861.

Chap. 160 An Act in relation to the payment of mileage to members of the legislature.

Be it enacted, &c., as follows:

Time of payment. The mileage payable to members of the senate and house of representatives, shall be paid on the first day of the next month after the commencement of the session.

Approved April 9, 1861.

Chap. 161 An Act to authorize J. I. Hillard and Job B. French to extend their wharf.

Be it enacted, &c., as follows:

Location. J. I. Hillard and Job B. French are hereby authorized to extend their wharf in the city of Fall River, of the same

Limit. width as it is now constructed, into Mount Hope Bay for the distance of three hundred feet beyond its present limits by lines parallel with the line of Rodman's Wharf, so called, in

Rights. said city; and they shall have the right to lay vessels at said

wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. Proviso.

Approved April 9, 1861.

An Act to amend section one hundred and sixteen, of chapter fifty-seven of the General Statutes. *Chap.* 162

Be it enacted, &c., as follows:

The one hundred and sixteenth section of the fifty-seventh chapter of the General Statutes, is hereby so far amended, that the destruction of circulating notes therein mentioned, shall be in the presence of the auditor, and the cashier and one of the directors of the bank; and the certificate therein required shall be signed by the auditor, and such cashier and director. Destruction of bank notes.

Approved April 9, 1861.

An Act in relation to costs in certain cases. *Chap.* 163

Be it enacted, &c., as follows:

In all causes pending in the superior court, in which an appeal or exceptions are taken, and the question arising thereon shall be entered in the supreme judicial court, no costs except the clerk's term fee, shall be taxed to either party after the second term next succeeding the term at which the appeal or exceptions are taken, so long as the question upon such appeal or exceptions continues in the supreme judicial court. Taxation of costs.

Approved April 9, 1861.

An Act concerning the provisions for widows in certain cases. *Chap.* 164

Be it enacted, &c., as follows:

Section 1. When a man dies having lawfully disposed of his estate by will, and leaving a widow, she may at any time within six months after the probate of the will, file in the probate office in writing, her waiver of the provisions made for her in the will; and shall in such case be entitled to such portion of his real and personal estate as she would have been entitled to if her husband had died intestate: *provided, however*, that if the share of the personal estate to which she would thus become entitled shall exceed the sum of ten thousand dollars, she shall in such case be entitled to receive in her own right the said amount of ten thousand dollars, and to receive the income only of the excess of said share above said sum of ten thousand dollars, during her natural life. If she makes no such waiver she shall not be endowed of his lands, unless it plainly appears by the will to have been the intention of the testator that she should have such provisions in addition to her dower. Right of waiver. Proviso.

Appointment of trustees.

Section 2. Upon application made by the widow or any one interested in the estate, the judge of probate may appoint one or more trustees to receive, hold and manage, during the lifetime of the widow, the portion of the personal estate of her deceased husband, exceeding ten thousand dollars, of which she is entitled to receive under this act.

Repeal.

Section 3. The twenty-fourth section of the ninety-second chapter of the General Statutes, is hereby repealed.

Approved April 9, 1861.

Chap. 165 An Act to authorize cities to appropriate moneys for certain purposes.

Be it enacted, &c., as follows:

Military and other purposes.

Any city, by vote of the city council thereof, in addition to the sums heretofore authorized by law to be raised and appropriated, may appropriate any funds in its treasury, or raise money by taxation, and appropriate the same, for the providing of armories for the use of military companies, for the celebration of holidays, and for other purposes of a public nature: *provided*, that such appropriations shall be made by vote of two-thirds of the members of each branch of the city council present and voting by yea and nay vote, and that the amount of such appropriations made by any city, in any one year, shall not exceed one-fiftieth of one per cent. of its valuation for the same year.

Proviso.

Approved April 9, 1861.

Chap. 166 An Act relating to witnesses before the executive council.

Be it enacted, &c., as follows:

Compulsory attendance.

Witnesses may be summoned and compelled to attend and testify before the executive council, or any committee thereof, at any hearing before them, as to matters within their jurisdiction; and such witnesses shall be summoned in the same manner, paid the same fees, and in the same manner, and be subject to the same penalties for default, as witnesses before the legislature.

Approved April 9, 1861.

Chap. 167 An Act to secure a uniform description and appraisal of estates in the commonwealth for the purposes of taxation.

Be it enacted, &c., as follows:

Form of blank books.

Section 1. The secretary of the Commonwealth shall furnish to each of the cities and towns in the State, on or before the first day of May in each year, suitable blank books for the use of the assessors of said cities and towns in the assessment of taxes, which books shall contain blank columns numbered from one to twenty-seven, inclusive, with uniform headings for a valuation list, and blank tables for aggregates, in the following form:—

Valuation List for the of *May* 1, 186 .

No. 1.	Names of persons assessed.	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		18	19	20	21	22	23	24	25	26	27
		Number of polls.	Total cash tax on polls.	Value of each person's whole stock in trade.	Description of taxable cash assets.	Value of cash assets.	Value of machinery used in manufac'g establishments.	No. of live stock, each kind specified separately.	Value of each kind of live stock.	Description of all other taxable personal estate not before named.	Value of same.	Aggregate of each person's taxable personal estate.	Total tax on personal estate.	Buildings of all kinds, described by naming their uses.	Value of buildings, exclusive of land.	Description by name or otherwise, of each and every lot of land owned by each person.	Number of acres or feet in each lot of land.	Acres.	Feet.	Value of same.	Superficial feet of wharf.	Value of same.	Aggr'te value of real estate.	Total tax on real estate.	Total cash tax on polls, personal and real estate.	Highway Tax. Tax on polls.	Tax on personal estate.	Tax on real estate.	Aggregate highway tax.

Table of Aggregates for the of *Polls, Property, Taxes, &c., as assessed May* 1, 186 .

1	Total number of polls.	
2	Total tax on polls.	
3	Total value of personal estate.	
4	Total value of real estate.	
5	Total tax for state county, city and town purposes, including highway tax.	
6	Rate per cent. of total tax.	
7	Total valuation, May 1, 18—.	
8	Total number of dwelling-houses.	
9	Total number of horses.	
10	Total number of cows.	
11	Total number of sheep.	
12	Total number of acres of land taxed in the city or town.	

Section 2. The assessors in each of the several cities and towns shall enter in the books furnished in accordance Order of entry in assessors' books.

with the provisions of the preceding section, the valuation and assessment of the polls and estate of the inhabitants assessed, in the following order:

In column number one. The names of the inhabitants or parties assessed for polls or estate.

In column number two. The number of polls for which any person named in the preceding column is taxable.

In column number three. Total amount of each tax on polls.

In column number four. The amount of each person's whole stock in trade, including all goods, wares and merchandise at home or abroad of ratable estate whether paid for or otherwise.

In column number five. A description of all ratable cash assets, viz.: Amount of money at interest more than the person assessed pays interest for, including public securities; the amount of money on hand including deposits in any bank or in any savings bank which is not exempted by law from taxation; the number of shares of stock which are taxable, with the name of the corporation in any bank, railroad, insurance, manufacturing, or other incorporated company.

In column number six. The true ratable value of the several items enumerated in the preceding column, placed opposite the description of said property or shares.

In column number seven. The true value of machinery used in all kinds of manufacturing establishments, including steam-engines, &c., the value of such machinery to be entered opposite the description of the building in which it is used.

In columns number eight and nine. The whole number of taxable live stock, including horses, mules, asses, oxen, cows, steers, heifers, sheep and swine, each kind to be stated separately, with the value affixed to each.

In columns number ten and eleven. Description of all other ratable personal estate not before enumerated, such as carriages, income, plate, furniture, tons of vessels, &c., with the true value of the same.

In column number twelve. The aggregate of each person's ratable personal estate.

In column number thirteen. The total tax on each person's personal estate.

In column number fourteen. Buildings of all kinds shall be described in the following order:—

Dwelling-houses; barns; shops of all kinds, naming their uses; stores; warehouses; distil-houses; breweries; tanneries and other manufactories of leather; rope-walks; grist-mills; saw-mills; steam and other mills not above enume-

rated; cotton factories, with the number of spindles and looms used in the same; woollen factories, with the number of sets of cards used in the same; linen factories, with the number of spindles and looms; print works; bleacheries; gas works; paper mills; card factories; boot and shoe factories; India rubber factories; carriage and car factories; piano-forte and musical instrument factories; sewing-machine factories; chair, pail, tub, and other wooden-ware factories; oil-factories; glass factories; all kinds of iron and brass works, and other buildings not above named.

In column number fifteen. True value of buildings enumerated in the preceding column placed opposite the description of the same, including water wheels; such value to be exclusive of land and water-power and of the machinery used in said buildings.

In columns number sixteen, seventeen and eighteen. A description by name or otherwise of each and every lot of land assessed, the same placed opposite the name of the person or party to whom it is taxable, with the number of acres or feet in each lot; the number of quartz sand beds, of stone quarries and ore beds; and the true value thereof.

In columns number nineteen and twenty. The number of superficial feet of wharf, and the total value of the same.

In column number twenty-one. The aggregate value of each person's taxable real estate.

In column number twenty-two. The total tax on real estate.

In column number twenty-three. The aggregate cash tax assessed to each person on polls, personal and real estate.

In columns number twenty-four, twenty-five, twenty-six and twenty-seven. The amount assessed for highway tax; on polls; on personal estate; on real estate; and the aggregate of the same.

Table of aggregates.

Section 3. The assessors shall fill up the table of aggregates, by an enumeration of the necessary items included in the lists of valuation and assessments required by the preceding section, and shall, on or before the first day of October in each of the first four years of each decade, deposit in the office of the secretary of the Commonwealth an attested copy of the same, containing:

Assessors to deposit copies with secretary.

First.—The total number of polls.

Second.—The total tax on polls.

Third.—The total tax on personal estate.

Fourth.—The total tax on real estate.

Fifth.—The total tax for state, county, and town purposes, including highway tax.

Sixth.—The rate per cent. of total tax.
Seventh.—The total valuation of the city or town.
Eighth.—Total number of dwelling-houses assessed.
Ninth.—Total number of horses assessed.
Tenth.—Total number of cows assessed.
Eleventh.—Total number of sheep assessed.
Twelfth.—The total number of acres of land assessed in the city or town.

Subsequent returns by assessors.

The assessors shall make similar returns in the first four years of the last half of each decade; and in every fifth and tenth year of each decade, they shall deposit in the office of the secretary of the Commonwealth, on or before the first day of October, a certified copy, under oath, of the assessors' books of those years; and said books thus deposited shall contain an aggregate sheet properly filled in accordance with the provisions of this act, which shall be in like manner certified by the assessors; and in every fifth and tenth year of each decade, the secretary shall furnish duplicate copies of blank books to the cities and towns for the foregoing purpose: *provided, however*, that in the case of the city of Boston, the returns, required by this section to be deposited in the office of the secretary, may be thus deposited on or before the first day of November, in the several years respectively.

Secretary to furnish assessors with copy of act, &c.

Section 4. The secretary of the Commonwealth shall cause to be printed and bound in the books to be furnished for the use of the assessors, a copy of this act, and such certificates as are required by the same and by the General Statutes to be signed by the assessors, together with such explanatory notes as may by him be deemed expedient, for the purpose of securing uniformity of returns under the several headings; and he shall compile and cause to be printed annually, for the use of the legislature, the aggregate returns from the cities and towns in the Commonwealth arranged by counties, so as to exhibit the total valuation of the towns, cities, counties, and state.

Penalty for neglect by assessors.

Section 5. If the assessors of any city or town shall neglect to comply with the requirements of the second or third section of this act, each assessor so neglecting shall forfeit a sum not exceeding two hundred dollars.

Approved April 10, 1861.

Chap. 168 An Act for the inspection of gas meters, the protection of gas consumers and the protection and regulation of gas light companies.

Be it enacted, &c., as follows:

Appointment of inspector.

Section 1. The governor shall, with the advice and consent of the council, appoint an inspector of gas meters and

of illuminating gas, whose office shall be in the city of Boston, and whose duty it shall be, when required, as is hereinafter provided, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters to be used for measuring the quantity of illuminating gas to be furnished to or for the use of any person or persons, and when found to be correct, to seal, stamp, or mark all such meters, and each of them, with some suitable device, and with his name, the date of his inspection, and the number of burners it is calculated to supply. Such device shall be recorded in the office of the secretary of the Commonwealth. Location and duties.

Section 2. He shall hold his office for the term of three years from the time of his appointment, and until the appointment of his successor, but may be removed by the governor and council at their pleasure; and he shall receive an annual salary of three thousand dollars, which shall include his office-rent and expenses, to be paid out of the treasury on the warrant of his excellency the governor. Such inspector shall not in any way or manner, directly or indirectly, be interested pecuniarily in the manufacture or sale of illuminating gas or gas meters, or of any article or commodity used by gas light companies, or for any purpose connected with the consumption of gas, or with any gas company; and shall not give certificates or written opinions to any maker or vender of any meter, or of any such article or commodity; and he shall be duly sworn to the faithful performance of his duties, and shall give bonds in the sum of five thousand dollars for the faithful discharge of the same: *provided, however*, that no warrant shall be drawn for the whole or any part of the salary of said commissioner for any larger amount than may have been actually paid into the treasury of the Commonwealth. Tenure of office. Compensation. Restrictions. Oath of office and bonds. Proviso.

Section 3. Said inspector shall, within three months after his appointment, furnish to the treasurer and receiver-general a list of all the gas light companies in operation in the Commonwealth; and his salary for the year then commenced, and annually thereafter, shall be assessed and paid into the treasury of the Commonwealth by the several gas light companies in this Commonwealth, in amounts proportionate to their appraised valuation, as declared in the returns required in the General Statutes of this Commonwealth, chapter sixty-eight, section twenty; and in case such gas light companies, or any or either of them, shall refuse or neglect to pay into the treasury the amount or portion of said salary which shall be by said treasurer required of them respectively, for the space of thirty days List of gas companies. Inspector's salary, how paid. Delinquent companies, proceedings against.

after written notice given by said treasurer to them respectively, to make such payment, then the said treasurer shall institute an action in the name of and for the use of the Commonwealth, against any such delinquent gas light company for their said portion or amount of such salary with interest thereon, at the rate of ten per centum per annum, from the time when said notice to make such payment was given, and the costs of the action.

Appointment of deputies.

Section 4. Whenever the inspector shall find himself unable to attend to his duties in any city or town of any county, he shall appoint temporarily, and for such time as he may deem expedient, one or more deputy-inspectors of meters for such county, who shall act under his direction; they shall be duly sworn to the faithful performance of their duties, and shall not in any manner be connected with or employed by any gas company, and shall be subject to the same disabilities as are set forth in section second, and shall be paid by fees for examining, comparing, and testing gas meters, with or without stamping them, which fees shall be twenty-five cents for each meter delivering a cubic foot of gas in four or more revolutions, vibrations, or complete repetitions of its action, and thirty cents for each meter delivering a cubic foot of gas in any less number of revolutions as heretofore described, and for each meter thus delivering more than one cubic foot of gas as before-named the further sum of twenty cents for every additional cubic foot of gas delivered: *provided*, *however*, that in all cases of inspection by the deputy-inspector the gas company or consumer may appeal to the state inspector from the deputy-inspector's decision.

Qualification.

Disabilities.

Fees, &c.

Proviso.

Standard of measure.

Section 5. The standard or unit of measure for the sale of illuminating gas by meter shall be the cubic foot, containing sixty-two and three hundred twenty-one one-thousandth pounds avoirdupois weight of distilled or rain-water, weighed in air of the temperature of sixty-two degrees Fahrenheit scale, the barometer being at thirty inches.

Sealing of meters.

Section 6. No meter shall be set after the first day of October, eighteen hundred and sixty-one, unless it be sealed and stamped in the manner required by this act.

Apparatus.

Section 7. There shall be provided at the expense of the gas companies of the Commonwealth, at the office of the inspector, a standard measure of the cubic foot, and such other apparatus as in his judgment shall be necessary for the faithful performance of the duties of his office.

Section 8. Every gas light company with a capital paid in of one hundred thousand dollars, or more, and every maker and vender of meters, shall set up at some convenient place upon their premises a gas-holder, to be tested, and if correct, stamped and sealed, containing five or more cubic feet, by means of which meters shall be tested at the average pressure at which gas is supplied in the city or town where they are to be used, attention being paid to the temperature of the room where the trial is made, of the apparatus, and of the gas. There shall be provided by every gas light company, a test meter of a construction approved by the inspector and stamped by him, to be used in cities and towns where no test gas-holders are provided, or whenever proving by a gas-holder is impracticable or inconvenient. In the examination of a meter the inspector shall see that it is of an approved principle, and shall give his particular attention to the measure of the dial-plate; he shall prove the meter when set level, and for each burner which the manufacturer has stamped it to register, it shall be capable of passing gas accurately at the rate of six cubic feet per hour; and no dry meter shall be stamped correct which varies more than two per cent. from the standard measure of the cubic foot, and no wet meter shall be stamped correct, which is capable of registering more than two per cent. against the consumer, and five per cent. against the company. He shall keep at his office a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times for examination by the officers of any gas light company in this Commonwealth. Test gas-holders. Test meters. Examination, proving and stamping. Record of meters.

Section 9. Meters in use shall be tested on the request of the consumer, or the gas light company, in the presence of the consumer if desired, with sealed apparatus, as provided for in section eight, by the inspector or deputy-inspector. If the meter is found to be correct, the party requesting the inspection shall pay the fees named in section four, and the expense of removing the same for the purpose of being tested, and the re-inspection shall be stamped on the meter. If proved incorrect, the gas light company shall pay such expenses, and shall furnish a new meter without any charge to the consumer. Expense of testing meters.

Section 10. Illuminating gas shall not be merchantable in this Commonwealth which has a minimum value of less than twelve candles: that is, a burner consuming five cubic feet per hour shall give a light as measured by the photometric apparatus in ordinary use, of not less than twelve Standard of gas.

How tested.

standard sperm candles, each consuming one hundred and twenty grains per hour. Every gas is to be tested with the burner and under the pressure best adapted to it, and the result shall be calculated at a temperature of sixty degrees Fahrenheit. Whenever requested by the mayor and aldermen of any city, or the selectmen of any town, the inspector shall report to them whether the gas supplied in the respective city or town is of the legal standard, and also whether it is sufficiently well purified from sulphuretted hydrogen, ammonia, and carbonic acid.

Right of gas companies to enter premises, &c.

Section 11. Any officer or servant of a gas light company, duly authorized in writing by the president, treasurer, agent, or secretary of said company, may at any reasonable time, enter any premises lighted with gas supplied by such company, for the purpose of examining, or removing the meters, pipes, fittings, and works for supplying or regulating the supply of gas, and of ascertaining the quantity of gas consumed or supplied; and if any person shall at any time, directly or indirectly, prevent or hinder any such officer or servant from so entering any such premises, or from making such examination, or removal, such officer or servant may make complaint under oath to any justice of the peace of the county wherein such premises are situated, stating the facts in the case so far as he has knowledge thereof, and the said justice may thereupon issue a warrant directed to the sheriff or either of his deputies, or to any constable of the city or town where such company is located, commanding him to take sufficient aid, and repair to said premises accompanied by such officer or servant who shall examine such meters, pipes, fittings, and works for supplying or regulating the supply of gas, and of ascertaining the quantity of gas consumed or supplied therein, and, if required, remove any meters, pipes, fittings, and works belonging to said company.

Right to stop gas, &c.

Section 12. If any person or persons supplied with gas neglects or refuses to pay the amount due for the same, or for the rent of the meter or other articles hired by him or them of the company, such company may stop the gas from entering the premises of such person or persons. In such cases, the officers, servants, or workmen of the gas light company, may, after twenty-four hours' notice, enter the premises of such parties, between the hours of eight in the forenoon and four in the afternoon, and separate and take away such meter, or other property of the company, and may disconnect any meter, pipes, fittings, or other works, whether the property of the company or not, from the mains or pipes of the company.

Section 13. Every person who wilfully or fraudulently injures, or suffers to be injured, any meter, pipes or fittings, belonging to any such gas light company, or prevents any meter from duly registering the quantity of gas supplied through the same, or in any way hinders or interferes with its proper action or just registration, or fraudulently burns the gas of said company, or wastes the same, shall for every such offence, forfeit and pay to the company not more than one hundred dollars, to be recovered in an action of tort to be brought by the company against such offender, and in addition thereto, shall pay the company the amount of damage by them sustained by reason of such injury, prevention, waste, consumption, or hinderance. Penalties for injury, trespass, &c.

Section 14. Every person who attaches any pipe to any main or pipe belonging to any such gas light company, or otherwise burns, or uses, or causes to be used, any gas supplied by said company, without their written consent, unless the same passes though a meter set by the company, shall forfeit and pay to said company the same fine and in the same manner as declared in section thirteen.

Section 15. This act shall apply to all companies who manufacture gas for sale, and shall take effect July first, eighteen hundred and sixty-one. *Approved April* 10, 1861. Act to take effect.

An Act to incorporate the Phillips Wharf Corporation. *Chap.* 169

Be it enacted, &c., as follows:

Section 1. Willard P. Phillips, Stephen H. Phillips, George W. Phillips, their associates and successors, are hereby made a corporation, by the name of the Phillips Wharf Corporation, with power to purchase and hold in fee simple or otherwise, any part or the whole of the estate extending from Derby Street in Salem, to Salem Harbor, and now owned by said Willard P. Phillips, with all the privileges and appurtenances to the same belonging, and all the rights of every kind now vested in said Willard P. Phillips as owner of such wharf. And said corporation may improve and manage said estate for mercantile purposes, in such manner as they shall deem expedient, and may sell and convey the same or any part thereof, and may purchase any other real estate, that may be expedient for the beneficial enjoyment of their property: *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by the one hundred and eleventh chapter of the acts of Corporators. Title. Powers. Privileges, &c. Proviso.

the year one thousand eight hundred and forty-seven, or otherwise by the laws of the Commonwealth.

Shares.

Section 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding three thousand, into which their stock shall be divided, and may, from

Assessments.

time to time, assess upon the stockholders such sums of money, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvement and management of their estate, and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of such stockholder as may be sufficient therefor to be sold, in such manner as the said corporation by their by-laws may determine.

Privileges, restrictions, &c.

Section 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the sixty-eighth chapter of the General Statutes.

Limitation.

Section 4. This act shall take effect upon its passage, and shall continue in force for the term of twenty years, unless sooner repealed. *Approved April* 10, 1861.

Chap. 170

An Act in regard to agents of insurance companies.

Be it enacted, &c., as follows:

Agents, how constituted and recognized.

Any person who solicits insurance on behalf of any fire or life insurance company, whether chartered in this Commonwealth or elsewhere, or who transmits for any person other than himself, an application for insurance or a policy of insurance to or from said company, or advertises that he will receive or transmit the same, shall be held to be an agent of that company, to all intents and purposes and within the meaning of section seventy-seven of chapter fifty-eight of the General Statutes, unless it can be shown that he receives no commission, or other compensation or consideration, for such service, from the said company.

Approved April 10, 1861.

Chap. 171

An Act relating to corporations and the assessment of taxes upon the shares thereof.

Be it enacted, &c., as follows:

Assessors to make returns to secretary.

Section 1. The assessors of the several cities and towns shall, on or before the first day of September next, and every third year thereafter, return to the secretary of the Commonwealth the number and names of the several industrial corporations, and the number and names of the banks and insurance companies established in their respective cities and towns, with the amount of capital stock owned by each,

reckoned at the par value thereof, the number of shares issued, and the amount for which the real estate and machinery of manufacturing corporations are taxed in such cities and towns. Also, the number and names of savings banks in such cities and towns, and the whole amount of deposits in each. Also, the number of shares in industrial corporations, railroads, banks, insurance companies, and steam-ship companies, specifying the number of shares in each company which are taxed in such cities and towns, and the value of such shares as they stand upon the assessors' books. Also, the amount of deposits in any savings banks, specifying the name thereof, taxed in their respective cities and towns.

Section 2. The assessors of each city and town shall, at the same time, return to the secretary the name of any other association or corporation organized for loaning money, and established in their respective cities and towns, with the amount of their capital stock and deposits, if known, and the amount for which they are taxed, for the year eighteen hundred and sixty-one, and for every third year thereafter.

Secretary to furnish blank forms.

Section 3. The secretary of the Commonwealth shall, on or before the first day of June next, and on or before the first day of June of every third year thereafter, transmit to the several cities and towns suitable blank forms, to enable the several assessors to make the returns prescribed in the foregoing sections of this act.

To make abstract of returns.

Section 4. The secretary shall make a digest of the returns of the assessors, made to him in conformity with the foregoing provisions of this act, in convenient form, for the use of the legislature, and shall cause the same to be printed on or before the first day of January next, and on or before the first day of January of every third year thereafter; and in addition to the number provided for the legislature, shall cause one copy of the same to be sent to the clerk of each city and town in this Commonwealth.

Penalty.

Section 5. If any agent or assessor wilfully refuses or neglects to perform any duty required of him by this act, he shall forfeit a sum not exceeding three hundred dollars.

Approved April 10, 1861.

An Act in relation to certain expenses of police courts. *Chap.* 172

Be it enacted, &c., as follows:

Amendment of General Statutes.

The twenty-first section of the one hundred and sixteenth chapter of the General Statutes is hereby so amended, that no part of the expenses set forth therein shall be repaid to the counties out of the treasury of the Commonwealth.

Approved April 10, 1861.

Chap. 173 An Act to repeal chapter twenty-one of the acts of one thousand eight hundred and sixty-one.

Be it enacted, &c., as follows:

Appropriation for emergency fund repealed.

Section 1. The twenty-first chapter of the acts of the present year is hereby repealed.

Section 2. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 174 An Act extending the powers of executors, administrators, guardians, and trustees, to settle controversies by arbitration or compromise.

Be it enacted, &c., as follows:

S. J. Court to authorize executors, &c., to adjust by arbitration, &c.

Section 1. The supreme judicial court may authorize executors, administrators, guardians, and trustees, to adjust by arbitration or compromise, any controversy that may arise between different claimants to the estate in their hands, to which such executors, administrators, guardians, or trustees, together with all other parties in being, claiming an interest in such estate, shall be parties. And any award or compromise made in writing in such case, shall, if found by the court just and reasonable in relation to its effects upon any future contingent interests in said estate, be valid and bind such interests as well as the interests of the parties in being: *provided, however*, that where it shall appear that such future contingent interests may be affected, the court may appoint some suitable person or persons to represent such interests in such controversies, upon such conditions as to costs as to the court shall seem equitable.

Court to confirm award.

Proviso.

Bills in equity.

Section 2. Whenever any one has a claim against the estate of a deceased person, which has not been prosecuted within the time limited by law, he may apply to the supreme judicial court, by bill in equity setting forth all the facts; and if the court shall be of opinion that justice and equity require it, and that said claimant is not chargeable with culpable neglect, in not bringing his suit within the time limited by law, they may give him judgment for the amount of his claim against the estate of the deceased person; but such judgment shall not affect any payments or distributions made before the commencement of such bill in equity.

Section 3. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 175 An Act to amend "An Act to incorporate the Sailors' Snug Harbor of Boston."

Be it enacted, &c., as follows:

Real and personal estate.

Section 1. The act to incorporate the Sailors' Snug Harbor of Boston, passed the twentieth day of May, in the

year one thousand eight hundred and fifty-two, is so far amended as to allow said corporation to hold real and personal property not to exceed in value at any one time, the sum of two hundred and fifty thousand dollars. Amount.

Section 2. This act shall take effect upon its passage.

Approved April 10, 1861.

An Act to authorize the transfer of certain flats in Boston harbor. *Chap.* 176

Be it enacted, &c., as follows:

Section 1. The governor and council are hereby authorized to appoint three commissioners, who may sell, or lease, for such term of years as they may deem expedient, under the provisions of the one hundred and third chapter of the resolves of the year eighteen hundred and fifty-nine, to the Boston and Maine Railroad Company, or to the Eastern Railroad Company, for the purposes of widening the bridges of the said companies, across Charles River, all the flats within the area lying easterly of a line running through the centre of what was a dock between land of the Boston and Maine Railroad Company, and the Eastern Railroad Company, northerly of Causeway Street, in Boston. Commissioners may be appointed by governor to sell or lease flats.

Section 2. The conditions of sale, or lease, shall provide that the said widening shall be on piles driven in extension of the present line of piles, and that the said railroad company or companies shall make compensation for the water displaced by said piles by excavation from the flats or marshes, between high and low-water mark, above this improvement, in a place, and in such a time, and to such an extent, as shall be approved of by the committee on the harbor of the city of Boston, and a commissioner to be appointed by the governor and council; said commissioner to be paid by the said railroad company or companies such compensation as the governor and council shall direct. Conditions of transfer.

Section 3. For the purposes of this act the restrictions of the one hundred and third chapter of the resolves of the year eighteen hundred and fifty-nine, inconsistent with the provisions of this act, are hereby suspended. Repeal.

Approved April 10, 1861.

An Act to limit the time for bringing actions for conversion of personal property. *Chap.* 177

Be it enacted, &c., as follows:

Section 1. Section two of chapter one hundred and fifty-five of the General Statutes, is hereby so amended, that against executors, administrators, guardians, trustees, Action to be commenced within two years.

sheriffs, deputy-sheriffs, constables, and assignees in insolvency, actions for the taking or conversion of personal property, shall be commenced within two years next after the cause of action accrues.

Statutes to apply.

Section 2. All provisions of law applicable to the actions in said section mentioned, shall be applicable to the actions mentioned in the preceding section, in the same manner and with the same effect as if the actions in the preceding section mentioned had been originally mentioned in section two of chapter one hundred and fifty-five of the General Statutes.

Existing causes.

Section 3. No suit upon any cause of action which has accrued prior to the passage of this act, shall be defeated, provided such action is commenced within one year from the passage hereof.

Section 4. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 178

An Act to confirm and establish the organization of the Vine Street Congregational Society in Roxbury.

Be it enacted, &c., as follows:

Confirmation of organization.

Section 1. The proceedings by which Henry Hill and others associated themselves together as a parish or religious society, and formed the Vine Street Congregational Society in Roxbury, on the eighteenth day of April, in the year of our Lord eighteen hundred and fifty-seven, and the proceedings of said society, in its further organization, on the twenty-ninth day of said April, are hereby ratified and confirmed, and said society recognized, established and confirmed, as a parish or religious society, with all the powers and privileges, and subject to all the restrictions, liabilities and duties, of such societies, under the laws of this Commonwealth.

Privileges and restrictions.

Section 2. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 179

An Act to amend "An Act to incorporate the Fall River and Warren Railroad Company."

Be it enacted, &c., as follows:

Time for location and construction extended.

The time limited in the fifth section of the act approved March seventeenth, eighteen hundred and fifty-seven, entitled "An Act to incorporate the Fall River and Warren Railroad Company," within which the location of said railroad should be filed, is hereby further extended to the first day of July, eighteen hundred and sixty-two, and the time in said section limited, within which said road should be constructed and completed with at least one track, is hereby

extended to the first day of July, in the year eighteen hundred and sixty-four. *Approved April* 10, 1861.

An Act concerning agricultural societies. *Chap.* 180

Be it enacted, &c., as follows:

Section 1. The premiums offered by any agricultural society receiving bounty from the treasury of the Commonwealth under the provisions of the sixty-sixth chapter of the General Statutes, shall be subject to the competition of every citizen of the county in which such society is established. And every such society shall admit as members, upon equal terms, citizens of every town in the county in which the same is located.

Competition for premiums.

Eligibility to membership.

Section 2. This act shall take effect upon its passage.

Approved April 10, 1861.

An Act in regard to complaints and indictment. *Chap.* 181

Be it enacted, &c., as follows:

Two or more counts, describing different offences, may be set forth in the same complaint or indictment, depending upon the same facts or transaction: *provided*, that the complaint or indictment shall contain an averment that the different counts therein are different descriptions of the same act. *Approved April* 10, 1861.

Plurality of counts allowed.

Proviso.

An Act in relation to sealing weights and measures in the city of Lowell. *Chap.* 182

Be it enacted, &c., as follows:

Section 1. The sealer of weights and measures for the city of Lowell is authorized and required to go to the houses, stores, and shops of all persons within the said city of Lowell using weights and measures, for the purpose of buying and selling, as shall neglect to bring in their measures, weights, balances, scales, and beams, to be adjusted and sealed, and there at the said houses, stores, and shops, and having entered the same with the assent of the occupant thereof, to adjust and seal the same, or to send the same to his office to be adjusted and sealed; and shall be entitled to receive therefor double the fees provided by law for the same service, if they had been brought in to be adjusted and sealed, with all expenses attending the removal of the same.

Sealer to visit delinquents and make adjustment.

May require double fees.

Section 2. If any such person shall refuse to have his weights, balances, scales or beams so tried, adjusted and sealed, the same not having been tried, adjusted and sealed within one year preceding such refusal, he shall forfeit ten dollars for each offence, one-half to the use of the city, and one-half to the use of the sealer of weights and measures.

Forfeiture for refusal of owner.

Penalty for alteration and fraudulent use.

Section 3. If any person shall alter any weight, balance, scale or beam, after the same shall have been adjusted and sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of ten dollars, one-half to the use of the city, and one-half to the use of the complainant.

City may provide salary for sealer.

Section 4. The city council of the city of Lowell may, by ordinance, provide that the sealer of weights and measures for said city be paid by a salary, and that he pay the fees received by him, by virtue of his office, into the city treasury.

Tenure of office.

Section 5. The mayor and aldermen of the city of Lowell are authorized to remove the sealer of weights and measures at any time they may see fit.

Act to be accepted.

Section 6. This act shall take effect when it shall have been accepted by the city council of Lowell.

Approved April 10, 1861.

Chap. 183

An Act to incorporate the Massachusetts Institute of Technology, and to grant aid to said institute and to the Boston Society of Natural History.

Be it enacted, &c., as follows:

Corporators.

Section 1. William B. Rogers, James M. Beebe, E. S. Tobey, S. H. Gookin, E. B. Bigelow, M. D. Ross, J. D. Philbrick, F. H. Storer, J. D. Runkle, C. H. Dalton, J. B. Francis, I. C. Hoadley, M. P. Wilder, C. L. Flint, Thomas Rice, John Chase, J. P. Robinson, F. W. Lincoln, Jr., Thomas Aspinwall, J. A. Dupee, E. C. Cabot, their associates and successors, are hereby made a body corporate by the name of the Massachusetts Institute of Technology, for the purpose of instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding generally, by suitable means, the advancement, development and practical application of science in connection with arts, agriculture, manufactures and commerce; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Title.

Purpose.

Privileges and restrictions.

Real and personal estate.

Section 2. Said corporation, for the purposes aforesaid, shall have authority to hold real and personal estate to an amount not exceeding two hundred thousand dollars.

Reservation of land on Back Bay.

Section 3. One certain square of state land on the Back Bay, namely, the second square westwardly from the Public Garden, between Newbury and Boylston Streets, according to the plan reported by the commissioners on the Back Bay,

February twenty-one, eighteen hundred and fifty-seven, shall be reserved from sale forever, and kept as an open space, or for the use of such educational institutions of science and art as are hereinafter provided for.

Organization of institute to entitle it to hold land.

Section 4. If at any time within one year after the passage of this act, the said Institute of Technology shall furnish satisfactory evidence to the governor and council that it is duly organized under the aforesaid charter, and has funds subscribed, or otherwise guaranteed, for the prosecution of its objects, to an amount at least of one hundred thousand dollars, it shall be entitled to a perpetual right to hold, occupy and control, for the purposes herein before mentioned, the westerly portion of said second square, to the extent of two-third parts thereof, free of rent or charge by the Commonwealth, subject, nevertheless, to the following stipulations, namely: persons from all parts of the Commonwealth shall be alike eligible as members of said institute, or as pupils for its instruction; and its museum or conservatory of arts, at all reasonable times, and under reasonable regulations, shall be open to the public; and within two years from the time when said land is placed at its disposal for occupation, filled and graded, said institute shall erect and complete a building suitable to its said purposes, appropriately inclose, adorn and cultivate the open ground around said building, and shall thereafter keep said grounds and building in a sightly condition.

Conditions.

Society of Natural History, powers defined.

Section 5. The Boston Society of Natural History shall be entitled to hold, occupy and control, for the objects and purposes for which said society was incorporated, and which are more fully set forth in its constitution and by-laws, the easterly portion of said second square, to the extent of one-third part thereof: *provided*, that the said society shall, within two years from the time when said portion of land is placed at its disposal for occupation, filled and graded, erect a building suitable to said objects and purposes, and appropriately inclose, plant and adorn the open ground around said building, and shall thereafter keep said grounds and building in a neat and ornamental condition.

Proviso.

Buildings and grounds to be approved by governor and council.

Section 6. The rights and privileges given in the last two sections, are granted subject to these further conditions following, namely: All buildings whatsoever, which may be erected by either of the herein-named institutions upon any portion of said second square, shall be designed and completed, the grounds surrounding said buildings inclosed, laid out and ornamented, and the said buildings and grounds kept and maintained in a manner satisfactory to the governor

Failure to observe conditions to operate forfeiture of land.

and council; and in case either of the said institutions shall, after due notice given, neglect to comply with the requirements of this section, or fail to use its portion of said square, or at any time appropriate said portion, or any part thereof, to any purpose or use foreign to its legitimate objects, then the right of said delinquent institution to the use, occupation or control of its portion of said square shall cease, and the Commonwealth, by its proper officers and agents, shall have the right forthwith to enter and take possession of the portion of land so forfeited.

Limitation in building.

Section 7. The above named societies shall not cover with their buildings more than one-third of the area granted to them respectively.

Commissioners on Back Bay to reserve lots, until, etc.

Section 8. The commissioners on the Back Bay are hereby instructed to reserve from sale the lots fronting on said square on Boylston, Clarendon and Newbury Streets, until said societies shall, by inclosure and improvements, put said square in a sightly and attractive condition.

Governor to appoint appraisers of lands.

Section 9. Upon the passage of this act, the governor, with the advice and consent of the council, shall appoint three disinterested persons, who shall appraise the value of all the lands specified in the third and eighth sections of this act, and make a return of said appraisal to the governor and council; and if when the lands mentioned in section eight shall have been sold, the proceeds of such sales shall not be equal to the whole amount of the appraisal above mentioned, then the societies named in this act shall pay the amount of such deficit into the treasury of the Commonwealth, for the school fund, in proportion to the area granted to them respectively.

Act to be accepted.

Section 10. This act shall be null and void, unless its provisions shall be accepted within one year, by the Massachusetts Institute of Technology, and the Boston Society of Natural History, so far as they apply to those societies respectively. *Approved April* 10, 1861.

Chap. 184 An Act relating to the duties of clerks and county treasurers, in cases of fines, forfeitures and costs.

Be it enacted, &c., as follows:

So much of the eighth and fourteenth sections of chapter one hundred and seventy-six of the General Statutes, as requires the clerks and county treasurers, respectively, therein mentioned, to transmit to the treasurer and auditor of accounts of the Commonwealth, a certificate of the amount of costs, allowances made to prosecutors, fines and forfeitures, therein mentioned, and so much of the eighth,

fourteenth and sixteenth sections of the same chapter, as requires the clerks and county treasurers therein mentioned, to transmit returns of costs, fines and forfeitures, to the governor, treasurer and auditor of the Commonwealth, are hereby repealed. *Approved April* 10, 1861.

An Act to incorporate the Mutual Protection Fire Insurance Company. *Chap.* 185

Be it enacted, &c., as follows:

Section 1. G. Washington Warren, Phinehas J. Stone, Luther V. Bell, James F. Dwinell and Moses B. Sewell, their associates and successors, are hereby made a corporation by the name of the Mutual Protection Fire Insurance Company, to be established in the city of Charlestown, for the purpose of making insurance against losses by fire on buildings and personal property; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to insurance companies. Corporators. Title. Location. Purpose. Privileges and restrictions.

Section 2. Said corporation shall not issue any policies until insurance to the amount of three hundred thousand dollars shall be subscribed for. *Approved April* 10, 1861. Issue of policies, conditions of.

An Act to regulate the forfeitures of policies of life insurance. *Chap.* 186

Be it enacted, &c., as follows:

Section 1. No policy of insurance on life, hereafter issued by any company chartered by the authority of this Commonwealth, shall be forfeited or become void by the non-payment of premium thereon, any further than regards the right of the party insured therein to have it continued in force beyond a certain period, to be determined as follows, to wit: the net value of the policy, when the premium becomes due and is not paid, shall be ascertained, according to the "combined experience," or "actuaries'" rate of mortality, with interest at four per centum per annum. After deducting from such net value any indebtedness to the company or notes held by the company against the insured, which notes if given for premium shall then be cancelled, four-fifths of what remains shall be considered as a net single premium of temporary insurance, and the term for which it will insure shall be determined according to the age of the party at the time of the lapse of premium, and the assumptions of mortality and interest aforesaid. Conditions of forfeiture. Value of policy. Temporary premium.

Section 2. If the death of the party occur within the term of temporary insurance covered by the value of the Obligation of company upon death of party.

policy, as determined in the previous section, and if no condition of the insurance, other than the payment of premium, shall have been violated by the insured, the company shall be bound to pay the amount of the policy, the same as if there had been no lapse of premium, any thing in the policy to the contrary notwithstanding: *provided, however*, that notice of the claim and proof of the death shall be submitted to the company within ninety days after the decease; and *provided, also*, that the company shall have the right to deduct from the amount insured in the policy the amount at six per cent. per annum of the premiums that had been forborne at the time of the death. *Approved April* 10, 1861.

Provisos.

Chap. 187

AN ACT IN RELATION TO THE RHODE ISLAND BOUNDARY.

Be it enacted, &c., as follows:

Decree of S. J. Court U. S. to be final.

SECTION 1. Whenever the proceeding in equity between this Commonwealth and the State of Rhode Island and Providence Plantations, now pending in the supreme court of the United States, shall be adjusted by the adoption of a conventional line, and such line shall have been confirmed by a final decree of said court, the said line shall be taken and deemed to be, for all purposes affecting the jurisdiction of this Commonwealth, or of any department of its government, the true line of boundary and demarkation between this Commonwealth and the State of Rhode Island and Providence Plantations.

Territory declared portion of Fall River, defined.

SECTION 2. The territory upon the east side of Mount Hope Bay, which lies south of the line beyond which the jurisdiction of this Commonwealth has not recently been exercised, (except so much as by this act is assigned to the town of Westport,) but which by the adoption of said decree of confirmation, shall be determined to be a part of this Commonwealth, with all the polls and estates thereon, shall be taken and deemed to be a portion of the city of Fall River in the county of Bristol, with the same effect as if the jurisdiction claimed over the same by this Commonwealth had been actually exercised.

City council to divide municipality into six wards.

SECTION 3. The city council of Fall River shall, within sixty days after said final decree of confirmation shall have been entered, divide the said city (including as well that portion over which jurisdiction has been exercised hitherto by said State of Rhode Island and Providence Plantations, as that over which jurisdiction has been exercised by this Commonwealth,) into six wards, as nearly equal as may be, in population, and shall determine the number of common councilmen to which each ward shall be entitled: *provided*,

Proviso.

that the whole number of common councilmen shall not exceed eighteen. Each ward, so constituted, may choose such officers (other than common councilmen) as each ward of said city may now choose. The aforesaid division, into wards, shall take effect at the next annual municipal election, after the same shall have been made, until which time, that portion of said city hitherto claimed to be a part of the State of Rhode Island and Providence Plantations, shall be deemed to be a part of the first ward of said city.

Division, when in force.

Section 4. That portion of territory lying east and south of the following described line, that is to say, beginning at the north-west corner of the town of Westport, according to the present actual exercise of jurisdiction; thence running due west to a point in North Watuppa Pond, equidistant from the eastern and western shores thereof; thence southerly to the southern extremity of said pond; thence in a straight line through South Watuppa Pond to its southern extremity; thence through the centre of the stream connecting said pond with Sawdy Pond; thence through Sawdy Pond in a straight line to its southern extremity; thence in a straight line to a stone monument in the ground near the house of Joseph Sanford, opposite Nanaquaket, with all the polls and estates thereon, shall from and after the entry of the said decree of confirmation, be taken and deemed to be a part of the town of Westport, in the county of Bristol, and of the seventeenth school district in said town.

Territory declared portion of Westport, defined.

Section 5. So much of the territory over which the inhabitants of Seekonk may have claimed or exercised actual jurisdiction, which shall be found to lie eastwardly of said conventional line, shall, from and after the entry of said final decree, be taken and deemed to be the town of Seekonk, in all questions affecting the rights of such town, or of its inhabitants; and such inhabitants shall continue to hold to their own corporate use all the corporate property of every description, hitherto held or claimed by the inhabitants of Seekonk, except such real estate as shall be found on the western side of said conventional line, and shall be subject to all the debts and liabilities of such town, except such as have been or may be incurred for the support of any paupers having a settlement in, or derived from a settlement obtained in that portion of territory lying westwardly of said conventional line.

Seekonk, boundary established.

Rights of citizens.

Section 6. The several school districts of the town of Seekonk, lying wholly or in part on the easterly side of said

School districts, reconstruction authorized.

conventional line, shall cease to exist upon the confirmation of such line, and authority is hereby given to the inhabitants of such town, residing upon the eastwardly side of said conventional line, to assemble together as a body corporate, in anticipation of the entry of a decree of the court as aforesaid, and provide for a new division of the territory into school districts; such new division to take effect upon the entry of such decree of the court. Such meeting may be called by any justice of the peace within the county of Bristol, upon the petition of any five qualified voters, resident upon the territory aforesaid, and the warrant for the same shall be directed to any one of said petitioners. The school-houses, land, apparatus, and other property, owned and used for school purposes, by any school district, which lies wholly or in part upon the eastern side of said conventional line, shall, upon the entry of the decree of confirmation, become the property of the town of Seekonk, and may be lawfully sold and conveyed to any school district which may be afterwards organized under the authority of this act. All property taken from each school district shall be forthwith appraised, and there shall be remitted to the tax-payers of each district the appraised value of its property thus taken; or the difference in the value of the property in the several districts may be adjusted in any other manner agreed upon by the parties in interest.

Property defined.

Appraisal required.

Portion of Pawtucket annexed to Seekonk.

Section 7. So much of the town of Pawtucket as lies eastwardly of the eastern side of Farmers' or Seven Mile River, with the polls and estates thereon, shall, from and after the entry of such final decree of confirmation, be set off to, and become a part of the town of Seekonk: *provided*, that until the next decennial apportionment of representatives in the general court, all legal voters resident thereon shall be entitled to vote for representatives with the town of Attleborough; and the selectmen of the last named town shall cause check lists to be prepared, and shall receive the votes of all such qualified voters for representatives, as aforesaid, but for no other officers.

Proviso.

Ecclesiastical rights and liabilities unimpaired.

Section 8. Nothing in this act shall be construed to deprive any members of any religious society in the present town of Seekonk of their interest in the property of such religious society, or in any property held in trust for said society, or for the support of public worship therein, or to relieve any member of said society from any liability for any indebtedness therefor, but the rights and liabilities of all members and officers of such religious societies are hereby declared to be the same as if this act had not been passed,

and such decree of confirmation had not been entered: *provided*, that this section shall not be construed to impair the authority of the laws of said State of Rhode Island and Providence Plantations, in regard to the mode of transacting business, the election of officers, or other matters not affecting the rights of property of said religious society or the members thereof. Proviso.

Section 9. Neither of the towns of Seekonk or Rehoboth shall be held liable, after the entry of said final decree of confirmation, for the support of any pauper having a settlement obtained in that portion of territory upon the western side of said conventional line, over which either of the towns of Seekonk or Pawtucket now exercises jurisdiction. Paupers.

Section 10. Upon the establishing of said line, as aforesaid, the inhabitants residing in any territory heretofore within the actual jurisdiction of said State of Rhode Island, and which shall thereby fall within the jurisdiction of this Commonwealth, shall thenceforth be taken and deemed to be inhabitants of this Commonwealth, entitled to the same rights, privileges and immunities, in their persons, property and estates, and in the exercise of the elective franchise, and subject to the same duties and burdens, as other like conditioned inhabitants of this Commonwealth, according to the constitution and laws thereof; and they, their heirs and assigns, shall forever thereafter continue to hold and enjoy all former grants and purchases, granted by or made within said state, to all intents and purposes as if such territory were lying and continuing within said state; and all railroad and other incorporated companies, by whatsoever name incorporated or known, located within such territory, and electing to remain therein, shall continue to hold, exercise and enjoy their respective corporate rights and franchises, as far as not repugnant to the laws of this Commonwealth, upon an equal basis with like incorporated companies therein. Enfranchisement of citizens. Corporate rights confirmed.

Approved April 10, 1861.

An Act concerning the Broadway Railroad Company. *Chap.* 188

Be it enacted, &c., as follows:

Section 1. The mayor and aldermen of the city of Boston, are authorized to extend the location of the tracks of the Broadway Railroad Company, upon and over such streets, bridges and highways in said city, as may from time to time, be fixed and determined by said mayor and aldermen, and assented to, in writing, by said company; and said company is authorized to construct, maintain and use, any tracks which may be so located, and in relation thereto Extension of tracks authorized. Conditions.

Privileges and restrictions.

shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, which they would have had or been subject to, if such tracks had been authorized and located under the act by which said company was incorporated.

May connect with other roads.

Section 2. Said company is authorized to connect with, use and run over with its cars and horses, such other railroads in said city, as may from time to time, be fixed and determined by the mayor and aldermen aforesaid, but only for the purpose of carrying by one convenient and proper route, passengers to and from South Boston and Scollay's building; the compensation to be paid for the use of such other road, to be ascertained in the mode and manner prescribed in the second section of the act entitled "An Act concerning the Broadway Railroad Company," approved May twenty-third, in the year one thousand eight hundred and fifty-seven.

Section 3. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 189

An Act relating to the term of insurance policies.

Be it enacted, &c., as follows:

Statute defined.

Section 1. The last clause of the twenty-fourth section of the fifty-eighth chapter of the General Statutes, to wit, "No policy shall be issued for a term exceeding seven years," shall not apply to life insurance companies.

Section 2. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 190

An Act to apportion and assess a tax of three hundred thousand three hundred seventy-two dollars.

Be it enacted, &c., as follows:

Assessment of cities and towns.

Section 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:

SUFFOLK COUNTY.

Boston, . . .	Ninety-four thousand five hundred seventy-five dollars, ...	$94,575 00
Chelsea, . . .	Two thousand three hundred forty-six dollars, ...	2,346 00
North Chelsea, .	Two hundred fifty-two dollars, . .	252 00
Winthrop, . .	One hundred fifty-dollars, . . .	150 00
		$97,323 00

ESSEX COUNTY.

Amesbury, . .	Five hundred thirty-four dollars, . .	$534 00
Andover, . . .	Eight hundred thirty-one dollars, . .	831 00
Beverly, . . .	One thousand one hundred thirty-one dollars, ...	1,131 00
Boxford, . . .	Two hundred twenty-two dollars, . .	222 00
Bradford, . . .	Three hundred three dollars, . .	303 00
Danvers, . . .	Eight hundred ninety-seven dollars, .	897 00
Essex, ...	Three hundred forty-two dollars, . .	342 00
Georgetown, . .	Two hundred seventy-nine dollars, .	279 00
Gloucester, . .	One thousand five hundred ninety-nine dollars, ...	1,599 00
Groveland, . .	Two hundred sixteen dollars, . .	216 00
Hamilton, . . .	One hundred sixty-two dollars, . .	162 00
Haverhill, . .	One thousand nine hundred eighty-nine dollars, ...	1,989 00
Ipswich, . . .	Four hundred seventy-seven dollars, .	477 00
Lawrence, . .	Three thousand four hundred five dollars, ...	3,405 00
Lynn, ...	Three thousand three hundred twenty-one dollars, ...	3,321 00
Lynnfield, . .	One hundred ninety-two dollars, . .	192 00
Manchester, . .	Two hundred ninety-four dollars, . .	294 00
Marblehead, . .	Nine hundred fifty-four dollars, . .	954 00
Methuen, . . .	Four hundred seventy-one dollars, .	471 00
Middleton, . .	One hundred forty-four dollars, . .	144 00
Nahant, . . .	One hundred sixty-five dollars, . .	165 00
Newbury, . . .	Two hundred eighty-five dollars, . .	285 00
Newburport, . .	Two thousand three hundred forty-six dollars, ...	2,346 00
North Andover,	Five hundred thirty-four dollars, . .	534 00
Rockport, . . .	Five hundred seven dollars, . . .	507 00
Rowley, . . .	One hundred eighty-nine dollars, . .	189 00
Salem, ...	Four thousand nine hundred twenty-three dollars, ...	4,923 00

ESSEX COUNTY—Continued.

Salisbury,	Five hundred forty-six dollars,	$546 00
Saugus,	Four hundred eight dollars,	408 00
South Danvers,	One thousand two hundred forty-five dollars,	1,245 00
Swampscott,	Three hundred fifty-one dollars,	351 00
Topsfield,	Two hundred thirty-one dollars,	231 00
Wenham,	One hundred ninety-eight dollars,	198 00
West Newbury,	Three hundred fifty-four dollars,	354 00
		$30,045 00

MIDDLESEX COUNTY.

Acton,	Three hundred three dollars,	$303 00
Ashby,	One hundred seventy-four dollars,	174 00
Ashland,	Two hundred thirty-one dollars,	231 00
Bedford,	One hundred sixty-two dollars,	162 00
Belmont,	Six hundred sixty dollars,	660 00
Billerica,	Three hundred sixty-three dollars,	363 00
Boxborough,	Seventy-eight dollars,	78 00
Brighton,	One thousand one hundred thirty-one dollars,	1,131 00
Burlington,	One hundred forty-one dollars,	141 00
Cambridge,	Six thousand six hundred seventy-eight dollars,	6,678 00
Carlisle,	One hundred seventeen dollars,	117 00
Charlestown,	Five thousand one hundred ninety-six dollars,	5,196 00
Chelmsford,	Four hundred seventy-seven dollars,	477 00
Concord,	Five hundred fifty-eight dollars,	558 00
Dracut,	Three hundred forty-eight dollars,	348 00
Dunstable,	One hundred thirty-five dollars,	135 00
Framingham,	Seven hundred eighty-three dollars,	783 00

MIDDLESEX COUNTY—Continued.

Groton,	Five hundred thirty-four dollars,	$534 00
Holliston,	Five hundred forty-nine dollars,	549 00
Hopkinton,	Five hundred fifty-eight dollars,	558 00
Lexington,	Six hundred six dollars,	606 00
Lincoln,	One hundred eighty-three dollars,	183 00
Littleton,	Two hundred thirty-one dollars,	231 00
Lowell,	Seven thousand sixty-eight dollars,	7,068 00
Malden,	One thousand one hundred eighty-two dollars,	1,182 00
Marlborough,	Seven hundred seventy-four dollars,	774 00
Medford,	One thousand five hundred ninety-nine dollars,	1,599 00
Melrose,	Four hundred eighty-three dollars,	483 00
Natick,	Seven hundred forty-four dollars,	744 00
Newton,	Two thousand three hundred thirty-one dollars,	2,331 00
North Reading,	Six hundred thirty-six dollars,	636 00
Pepperell,	Three hundred dollars,	300 00
Reading,	Four hundred seventy-one dollars,	471 00
Sherborn,	Two hundred ninety-four dollars,	294 00
Shirley,	Two hundred forty-three dollars,	243 00
Somerville,	One thousand nine hundred eighty dollars,	1,980 00
South Reading,	Six hundred sixty dollars,	660 00
Stoneham,	Four hundred eighty-six dollars,	486 00
Stow,	Two hundred sixty-one dollars,	261 00
Sudbury,	Three hundred sixty-three dollars,	363 00
Tewksbury,	Two hundred twenty-eight dollars,	228 00
Townsend,	Two hundred sixty-seven dollars,	267 00
Tyngsborough,	One hundred seventeen dollars,	117 00
Waltham,	One thousand five hundred forty-five dollars,	1,545 00

MIDDLESEX COUNTY—Continued.

Watertown, . .	Eight hundred fifty-five dollars, . .	$855 00
Wayland, . . .	One hundred ninety-five dollars, . .	195 00
West Cambridge,	Eight hundred one dollars, . . .	801 00
Westford, . . .	Two hundred eighty-eight dollars, .	288 00
Weston, . . .	Three hundred thirty-nine dollars, .	339 00
Wilmington, . .	One hundred sixty-eight dollars, . .	168 00
Winchester, . .	Five hundred thirteen dollars, . .	513 00
Woburn, . . .	One thousand two hundred ninety dollars, ...	1,290 00
		$46,677 00

WORCESTER COUNTY.

Ashburnham, .	Three hundred three dollars, . .	$303 00
Athol, ...	Three hundred seventy-eight dollars, .	378 00
Auburn, . . .	One hundred forty-four dollars, . .	144 00
Barre, ...	Five hundred eighty-five dollars, . .	585 00
Berlin, ...	One hundred fifty-nine dollars, . .	159 00
Blackstone, . .	Seven hundred twenty-three dollars, .	723 00
Bolton, . . .	Two hundred thirteen dollars, . .	213 00
Boylston, . . .	One hundred sixty-eight dollars, . .	168 00
Brookfield, . .	Three hundred fifteen dollars, . .	315 00
Charlton, . . .	Three hundred thirty-nine dollars, .	339 00
Clinton, . . .	Six hundred nine dollars, . . .	609 00
Dana, ...	One hundred two dollars, . . .	102 00
Douglas, . . .	Three hundred sixty dollars, . .	360 00
Dudley, . . .	Two hundred fifty-eight dollars, . .	258 00
Fitchburg, . .	One thousand three hundred sixty-five dollars, ...	1,365 00
Gardner, . . .	Three hundred sixty-nine dollars, . .	369 00

WORCESTER COUNTY—Continued.

Grafton, . . .	Six hundred fifty-one dollars, . .	$651 00
Hardwick, . .	Three hundred twenty-four dollars, .	324 00
Harvard, . . .	Three hundred twelve dollars, . .	312 00
Holden, . . .	Three hundred dollars, ...	300 00
Hubbardston, .	Two hundred forty-three dollars, . .	243 00
Lancaster, . .	Three hundred three dollars, . .	303 00
Leicester, . . .	Five hundred fifty-eight dollars, . .	558 00
Leominster, . .	Six hundred twenty-one dollars, . .	621 00
Lunenburg, . .	Two hundred fifty-eight dollars, . .	258 00
Mendon, . . .	Two hundred fifty-eight dollars, . .	258 00
Milford, . . .	One thousand two hundred eighty-four dollars, ...	1,284 00
Millbury, . . .	Five hundred thirty-four dollars, . .	534 00
New Braintree, .	One hundred eighty-six dollars, . .	186 00
North Brookfield,	Four hundred forty-four dollars, . .	444 00
Northborough, .	Three hundred twenty-seven dollars, .	327 00
Northbridge, . .	Three hundred seventy-two dollars, .	372 00
Oakham, . . .	One hundred twenty-nine dollars, .	129 00
Oxford, . . .	Four hundred forty-four dollars, . .	444 00
Paxton, . . .	One hundred seventeen dollars, . .	117 00
Petersham, . .	Two hundred forty-six dollars, . .	246 00
Phillipston, . .	One hundred fourteen dollars, . .	114 00
Princeton, . .	Two hundred fifty-two dollars, . .	252 00
Royalston, . .	Two hundred ninety-one dollars, . .	291 00
Rutland, . . .	One hundred eighty-six dollars, . .	186 00
Shrewsbury, . .	Three hundred eighty-four dollars, .	384 00
Southborough, .	Three hundred forty-five dollars, . .	345 00
Southbridge, . .	Four hundred ninety-eight dollars, .	498 00

WORCESTER COUNTY—Continued.

Spencer,	Four hundred eighty dollars,	$480 00
Sterling,	Three hundred fifty-one dollars,	351 00
Sturbridge,	Three hundred thirty dollars,	330 00
Sutton,	Four hundred two dollars,	402 00
Templeton,	Four hundred twenty-nine dollars,	429 00
Upton,	Two hundred eighty-eight dollars,	288 00
Uxbridge,	Five hundred eighty-five dollars,	585 00
Warren,	Three hundred six dollars,	306 00
Webster,	Four hundred fourteen dollars,	414 00
West Boylston,	Three hundred forty-two dollars,	342 00
West Brookfield,	Two hundred forty-three dollars,	243 00
Westborough,	Four hundred forty-seven dollars,	447 00
Westminster,	Two hundred eighty-five dollars,	285 00
Winchendon,	Four hundred five dollars,	405 00
Worcester,	Five thousand nine hundred seventy-three dollars,	5,973 00
		$27,651 00

HAMPSHIRE COUNTY.

Amherst,	Five hundred sixty-seven dollars,	$567 00
Belchertown,	Four hundred five dollars,	405 00
Chesterfield,	One hundred fifty-six dollars,	156 00
Cummington,	One hundred forty-four dollars,	144 00
East Hampton,	Three hundred eighteen dollars,	318 00
Enfield,	Two hundred seven dollars,	207 00
Goshen,	Sixty-three dollars,	63 00
Granby,	One hundred seventy-four dollars,	174 00
Greenwich,	One hundred eight dollars,	108 00

HAMPSHIRE COUNTY—Continued.

Hadley, . . .	Four hundred thirty-five dollars, . .	$435 00
Hatfield, . . .	Three hundred fifty-seven dollars, .	357 00
Huntington, . .	One hundred seventy-four dollars, .	174 00
Middlefield, . .	One hundred seventeen dollars, . .	117 00
Northampton, .	One thousand two hundred eighty-seven dollars, ...	1,287 00
Pelham, . . .	Seventy-eight dollars, ...	78 00
Plainfield, . .	One hundred two dollars, . . .	102 00
Prescott, . . .	Ninety-three dollars, ...	93 00
South Hadley, .	Three hundred seventy-eight dollars, .	378 00
Southampton, .	One hundred eighty-six dollars, . .	186 00
Ware, ...	Five hundred four dollars, . . .	504 00
Westhampton, .	One hundred eight dollars, . . .	108 00
Williamsburg, .	Three hundred thirty-six dollars, . .	336 00
Worthington, .	One hundred sixty-two dollars, . .	162 00
		$6,459 00

HAMPDEN COUNTY.

Agawam, . . .	Two hundred fifty-five dollars, . .	$255 00
Blandford, . .	One hundred ninety-eight dollars, .	198 00
Brimfield, . . .	Two hundred fifty-two dollars, . .	252 00
Chester, . . .	One hundred seventy-seven dollars, .	177 00
Chicopee, . . .	One thousand sixty-two dollars, . .	1,062 00
Granville, . .	One hundred seventy-four dollars, .	174 00
Holland, . . .	Sixty dollars, ...	60 00
Holyoke, . . .	Seven huudred sixty-two dollars, . .	762 00
Longmeadow, .	Three hundred eighteen dollars, . .	318 00
Ludlow, . . .	One hundred seventy-one dollars, .	171 00

HAMPDEN COUNTY—Continued.

Monson, . . .	Four hundred eleven dollars, . .	$411 00
Montgomery, .	Sixty dollars, ...	60 00
Palmer, . . .	Four hundred seventy-seven dollars, .	477 00
Russell, . . .	Eighty-one dollars, ...	81 00
Southwick, . .	Two hundred nineteen dollars, . .	219 00
Springfield, . .	Three thousand sixty-nine dollars, .	3,069 00
Tolland, . . .	One hundred two dollars, . . .	102 00
Wales, ...	One hundred eight dollars, . . .	108 00
West Springfield,	Three hundred sixty-six dollars, . .	366 00
Westfield, . . .	One thousand two dollars, . . .	1,002 00
Wilbraham, . .	Three hundred eighteen dollars, . .	318 00
		$9,642 00

FRANKLIN COUNTY.

Ashfield, . . .	Two hundred twenty-five dollars, . .	$225 00
Bernardston, . .	One hundred sixty-five dollars, . .	165 00
Buckland, . .	Two hundred ten dollars, . . .	210 00
Charlemont, . .	One hundred fifty dollars, . . .	150 00
Colrain, . . .	Two hundred twenty-two dollars, . .	222 00
Conway, . . .	Two hundred seventy-three dollars, .	273 00
Deerfield, . . .	Four hundred fifty-three dollars, . .	453 00
Erving, . . .	Sixty-nine dollars, ...	69 00
Gill, ...	One hundred thirty-five dollars, . .	135 00
Greenfield, . .	Five hundred sixty-one dollars, . .	561 00
Hawley, . . .	Ninety-three dollars, ...	93 00
Heath, ...	Ninety-six dollars, ...	96 00
Leverett, . . .	One hundred twenty dollars, . .	120 00

FRANKLIN COUNTY—Continued.

Leyden, . . .	Ninety-nine dollars, ...	$99 00
Monroe, . . .	Thirty-three dollars, ...	33 00
Montague, . .	Two hundred nineteen dollars, . .	219 00
New Salem, . .	One hundred forty-four dollars, . .	144 00
Northfield, . .	Two hundred seventy dollars, . .	270 00
Orange, . . .	Two hundred twenty-five dollars, . .	225 00
Rowe, ...	Eighty-four dollars, ...	84 00
Shelburne, . .	Two hundred fifty-five dollars, . .	255 00
Shutesbury, . .	Ninety-six dollars, ...	96 00
Sunderland, . .	One hundred twenty-nine dollars, .	129 00
Warwick, . . .	One hundred thirty-eight dollars, . .	138 00
Wendell, . . .	Ninety-three dollars, ...	93 00
Whately, . . .	Two hundred twenty-two dollars, . .	222 00
		$4,779 00

BERKSHIRE COUNTY.

Adams, . . .	Nine hundred sixty-three dollars, . .	$963 00
Alford, . . .	One hundred eleven dollars, . .	111 00
Becket, . . .	One hundred eighty-three dollars, .	183 00
Cheshire, . . .	Two hundred forty-three dollars, . .	243 00
Clarksburg, . .	Forty-five dollars, ...	45 00
Dalton, . . .	Two hundred fifty-five dollars, . .	255 00
Egremont, . .	One hundred seventy-four dollars, .	174 00
Florida, . . .	Fifty-seven dollars, ...	57 00
Gt. Barrington, .	Six hundred fifty-one dollars, . .	651 00
Hancock, . . .	One hundred sixty-eight dollars, . .	168 00
Hinsdale, . . .	Two hundred nineteen dollars, . .	219 00

BERKSHIRE COUNTY—Continued.

Lanesborough,	Two hundred thirty-one dollars,	$231 00
Lee,	Six hundred thirty-six dollars,	636 00
Lenox,	Two hundred ninety-four dollars,	294 00
Monterey,	One hundred seventeen dollars,	117 00
Mt. Washington,	Thirty dollars,	30 00
New Ashford,	Forty-two dollars,	42 00
N. Marlborough,	Two hundred forty dollars,	240 00
Otis,	One hundred fourteen dollars,	114 00
Peru,	Eighty-one dollars,	81 00
Pittsfield,	One thousand seven hundred thirteen dollars,	1,713 00
Richmond,	One hundred seventy-four dollars,	174 00
Sandisfield,	Two hundred ten dollars,	210 00
Savoy,	One hundred eleven dollars,	111 00
Sheffield,	Four hundred two dollars,	402 00
Stockbridge,	Three hundred forty-two dollars,	342 00
Tyringham,	One hundred eleven dollars,	111 00
Washington,	One hundred twenty dollars,	120 00
W. Stockbridge,	Two hundred sixteen dollars,	216 00
Williamstown,	Four hundred twenty-six dollars,	426 00
Windsor,	One hundred twenty-nine dollars,	129 00
		$8,808 00

NORFOLK COUNTY.

Bellingham,	One hundred eighty-three dollars,	$183 00
Braintree,	Five hundred forty-six dollars,	546 00
Brookline,	Three thousand one hundred eighty-six dollars,	3,186 00
Canton,	Six hundred ninety-three dollars,	693 00

NORFOLK COUNTY—Continued.

Cohasset, . . .	Three hundred sixty dollars, . .	$360 00
Dedham, . . .	One thousand four hundred ninety-one dollars, ...	1,491 00
Dorchester, . .	Three thousand four hundred fifty-nine dollars, ...	3,459 00
Dover, ...	One hundred twenty dollars, . .	120 00
Foxborough, . .	Four hundred seventy-four dollars, .	474 00
Franklin, . . .	Three hundred twelve dollars, . .	312 00
Medfield, . . .	Two hundred thirteen dollars, . .	213 00
Medway, . . .	Four hundred sixty-two dollars, . .	462 00
Milton, . . .	One thousand sixty-five dollars, . .	1,065 00
Needham, . . .	Five hundred sixty-four dollars, . .	564 00
Quincy, . . .	One thousand three hundred forty-four dollars, ...	1,344 00
Randolph, . .	One thousand five dollars, . . .	1,005 00
Roxbury, . . .	Seven thousand six hundred forty-seven dollars, ...	7,647 00
Sharon, . . .	Two hundred forty-three dollars, . .	243 00
Stoughton, . .	Six hundred ninety-nine dollars, . .	699 00
Walpole, . . .	Three hundred seventy-eight dollars, .	378 00
West Roxbury, .	Two thousand five hundred eighty-six dollars, ...	2,586 00
Weymouth, . .	One thousand two hundred eighteen dollars, ...	1,218 00
Wrentham, . .	Four hundred sixty-eight dollars, . .	468 00
		$28,716 00

BRISTOL COUNTY.

Acushnet, . . .	Two hundred seventy dollars, . .	$270 00
Attleborough, .	Nine hundred nine dollars, . .	909 00
Berkley, . . .	One hundred twenty dollars, . .	120 00
Dartmouth, . .	Nine hundred seventy-five dollars, .	975 00
Dighton, . . .	Two hundred sixty-seven dollars, . .	267 00

BRISTOL COUNTY—Continued.

Easton,	Four hundred twenty-six dollars,	$426 00
Fairhaven,	One thousand one hundred forty-three dollars,	1,143 00
Fall River,	Three thousand six hundred dollars,	3,600 00
Freetown,	Two hundred eighty-two dollars,	282 00
Mansfield,	Two hundred eighty-five dollars,	285 00
New Bedford,	Seven thousand seven hundred four dollars,	7,704 00
Norton,	Three hundred three dollars,	303 00
Pawtucket,	Seven hundred eleven dollars,	711 00
Raynham,	Three hundred sixty dollars,	360 00
Rehoboth,	Three hundred twenty-four dollars,	324 00
Seekonk,	Four hundred seventy-one dollars,	471 00
Somerset,	Three hundred thirty-six dollars,	336 00
Swanzey,	Two hundred sixty-four dollars,	264 00
Taunton,	Two thousand eight hundred sixty-five dollars,	2,865 00
Westport,	Six hundred eighteen dollars,	618 00
		$22,233 00

PLYMOUTH COUNTY.

Abington,	One thousand two hundred sixty-three dollars,	$1,263 00
Bridgewater,	Six hundred sixty dollars,	660 00
Carver,	One hundred eighty-six dollars,	186 00
Duxbury,	Four hundred fourteen dollars,	414 00
E. Bridgewater,	Five hundred ten dollars,	510 00
Halifax,	One hundred thirty-five dollars,	135 00
Hanover,	Three hundred three dollars,	303 00
Hanson,	Two hundred seven dollars,	207 00
Hingham,	Eight hundred eighty-five dollars,	885 00

PLYMOUTH COUNTY—Continued.

Hull, ...	Sixty dollars, ...	$60 00
Kingston, . . .	Four hundred thirty-eight dollars, .	438 00
Lakeville, . .	Two hundred ten dollars, . . .	210 00
Marion, . . .	One hundred sixty-eight dollars, . .	168 00
Marshfield, . .	Two hundred seventy-nine dollars, .	279 00
Mattapoisett, . .	Two hundred ninety-seven dollars, .	297 00
Middleborough, .	Eight hundred twenty-eight dollars, .	828 00
N. Bridgewater,	Eight hundred fifty-five dollars, . .	855 00
Pembroke, . .	Two hundred thirty-seven dollars, .	237 00
Plymouth, . .	One thousand one hundred nineteen dollars, ...	1,119 00
Plympton, . .	One hundred forty-seven dollars, . .	147 00
Rochester, . .	Two hundred nineteen dollars, . .	219 00
Scituate, . . .	Three hundred fifty-seven dollars, .	357 00
South Scituate, .	Three hundred thirty-three dollars, .	333 00
Wareham, . .	Four hundred forty-four dollars, . .	444 00
W. Bridgewater,	Two hundred eighty-five dollars, . .	285 00
		$10,839 00

BARNSTABLE COUNTY.

Barnstable, . .	Seven hundred sixty-eight dollars, .	$768 00
Brewster, . . .	Two hundred thirty-one dollars, . .	231 00
Chatham, . . .	Three hundred forty-five dollars, . .	345 00
Dennis, . . .	Four hundred thirty-two dollars, . .	432 00
Eastham, . . .	Ninety-nine dollars, ...	99 00
Falmouth, . .	Four hundred eighty dollars, . .	480 00
Harwich, . . .	Three hundred fifty-seven dollars, .	357 00
Orleans, . . .	One hundred ninety-eight dollars, .	198 00

BARNSTABLE COUNTY—Continued.

Provincetown, .	Four hundred eighty dollars, . .	$480 00
Sandwich, . .	Six hundred fifteen dollars, . . .	615 00
Truro, ...	One hundred seventy-seven dollars, .	177 00
Wellfleet, . . .	Two hundred sixty-one dollars, . .	261 00
Yarmouth, . .	Four hundred twenty-three dollars, .	423 00
		$4,866 00

DUKES COUNTY.

Chilmark, . .	One hundred ninety-eight dollars, .	$198 00
Edgartown, . .	Four hundred seventy-one dollars, .	471 00
Tisbury, . . .	Three hundred thirty-nine dollars, .	339 00
		$1,008 00

NANTUCKET COUNTY.

Nantucket, . .	One thousand three hundred twenty-six dollars, ...	$1,326 00

RECAPITULATION.

Suffolk County, .	Ninety-seven thousand three hundred twenty-three dollars, . . .	$97,323 00
Essex County, .	Thirty thousand forty-five dollars, .	30,045 00
Middlesex County,	Forty-six thousand six hundred seventy-seven dollars, ...	46,677 00
Worcester County,	Twenty-seven thousand six hundred fifty-one dollars, ...	27,651 00
Hampshire County,	Six thousand four hundred fifty-nine dollars, ...	6,459 00
Hampden County,	Nine thousand six hundred forty-two dollars, ...	9,642 00
Franklin County,	Four thousand seven hundred seventy-nine dollars, ...	4,779 00
Berkshire County,	Eight thousand eight hundred eight dollars, ...	8,808 00
Norfolk County, .	Twenty-eight thousand seven hundred sixteen dollars, ...	28,716 00

RECAPITULATION—Continued.

Bristol County, .	Twenty-two thousand two hundred thirty-three dollars, ...	$22,233 00
Plymouth County,	Ten thousand eight hundred thirty-nine dollars, ...	10,839 00
BarnstableCounty,	Four thousand eight hundred sixty-six dollars, ...	4,866 00
Dukes County, .	One thousand eight dollars, . .	1,008 00
Nantucket County,	One thousand three hundred twenty-six dollars, ...	1,326 00
		$300,372 00

Section 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively, to assess the sum so charged, according to the provisions of the eleventh chapter of the General Statutes; and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town. Treasurer to issue warrant to assessors, etc.

Section 3. The treasurer in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-one, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next. Duties of assessors, selectmen.

Section 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice Penalties for delinquency.

thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justice thereof before whom the hearing is had, shall order.

Section 5. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 191

An Act concerning the Suffolk Railroad Company.

Be it enacted, &c., as follows:

Extension of tracks authorized.

Section 1. The board of aldermen of the city of Boston may extend the location of the tracks of the Suffolk Railroad Company, over and upon such streets and highways of said city, north of the southerly line of Kneeland, Eliot or Boylston Streets, as may from time to time be fixed and determined by said board, with the consent in writing of said company; and said company may construct, maintain and use such tracks as have been heretofore or may be hereafter located by said board, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, in reference thereto, set forth in the act by which said company was incorporated.

Privileges and restrictions.

May connect with Metropolitan tracks.

Section 2. Said board of aldermen may from time to time, authorize said company to enter upon and use the tracks of the Metropolitan Railroad Company, north of said southerly lines of said Kneeland, Eliot or Boylston Streets, subject to such regulations, as to the manner of such use, as may from time to time, be made by said board, for such annual compensation, to be paid by said Suffolk Railroad Company to said Metropolitan Railroad Company, as may be mutually agreed upon, or in case of disagreement, as may be fixed by three commissioners to be appointed by the supreme judicial court, in the manner, and with the powers, so far as relates to determining such compensation, provided in section one hundred and seventeen of the sixty-third chapter of the General Statutes.

Conditions.

Section 3. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 192

An Act concerning Neponset Bridge.

Be it enacted, &c., as follows:

County commissioners may reconstruct.

Section 1. The county commissioners for the county of Norfolk, in addition to the power given them by chapter two hundred and twenty-three, of the acts of the year eighteen hundred and fifty-seven, and the act of the present session

incorporating the Quincy Railroad Company, are authorized, as trustees of Neponset Bridge, to widen or reconstruct said bridge, and alter and improve the draw thereof, within the lines of location established by the original charter or the lines adopted by the commissioners in the laying out of the bridge and turnpike, although beyond the limits of the present structure of said bridge, and are authorized to fill and make solid the bridge, not obstructing any channel.

Limitation of fund and freedom of bridge.

Section 2. Said trustees may, by an order entered upon their records, determine the amount of the fund to be accumulated, under and pursuant to the act contained in chapter two hundred and twenty-three of the acts of the year eighteen hundred and fifty-seven, (said amount to be not less than fifteen thousand dollars,) and upon said funds being accumulated, the bridges shall be free from tolls: *provided*, that said tolls shall be renewed from time to time whenever the fund shall be inadequate to the repair and maintenance of said bridges.

Proviso.

Commissioners to fix railroad tolls over bridge.

Section 3. The said commissioners as trustees, in addition to the power given them by the act incorporating the Quincy Railroad Company, are hereby required on the location of said company's road over said bridge, to fix the reasonable tolls to be paid by said company, which tolls may be commuted by payments, at stated times or in gross.

Section 4. This act shall take effect upon its passage.

Approved April 10, 1861.

An Act relating to certain investments of the Western Railroad Sinking Fund. *Chap.* 193

Be it enacted, &c., as follows:

Commissioners to cancel bonds.

Section 1. The commissioners of the Western Railroad Sinking Fund shall cancel the bonds of this Commonwealth, and the coupons annexed, for the redemption of which said fund is provided, and which have been or may hereafter be purchased by said commissioners in the investment of moneys belonging to said fund: *provided*, the Western Railroad Corporation shall execute and deliver to the said commissioners an agreement, under seal, to pay to said commissioners whatever interest may thereafter accrue upon any bond, so procured and cancelled, to the time of its maturity; said agreement to be approved by the attorney-general.

Proviso.

Treasurer of Commonwealth to have custody, etc.

Section 2. The treasurer of the Commonwealth shall keep a record of all bonds so cancelled, and shall retain the custody of the same as representing so much of the investments of said fund, to be surrendered at the time of maturity

to the Commonwealth, in fulfilment of the purposes for which said fund was established.

Investment of moneys in railroad stocks, conditions of.

Section 3. In addition to the securities named in chapter one hundred of the acts of the year eighteen hundred and fifty-eight, the moneys belonging to said Western Railroad Sinking Fund may be invested in the stocks of any railroad corporation in this state whose road is completed, whose capital has been wholly paid in, and whose road and property are unincumbered, and which has earned dividends of at least six per cent. per annum for three years next preceding such investment: *provided*, that not more than twenty per cent. thereof shall at any one time be so invested in said railroad stock, and not more than seven per cent. thereof in the stock of any one of said railroad corporations, and no investment shall be made in the stock of said Western Railroad Corporation.

Investments in other securities.

Section 4. The moneys belonging to said sinking fund may also be invested in such securities as the deposits in savings banks of this Commonwealth are now authorized to be invested in by the one hundred and forty-second and one hundred and forty-third sections of the fifty-seventh chapter of the General Statutes; subject to the same restrictions as to amount, in proportion to the whole fund to be invested in any one kind of security, as are applicable to savings banks.

Section 5. This act shall take effect upon its passage.

Approved April 10, 1861.

Chap. 194 An Act concerning mortgages in fraud of the insolvent law.

Be it enacted, &c., as follows:

Application of statute defined.

The eighty-ninth section of the one hundred and eighteenth chapter of the General Statutes, shall apply to any mortgage or other conveyance of real or personal estate, which the law requires to be recorded, unless the same has been recorded six months previous to the filing of the petition by or against the person insolvent, or in contemplation of insolvency.

Approved April 10, 1861.

Chap. 195 An Act concerning the appointment of inspectors of the hospital at Rainsford Island.

Be it enacted, &c., as follows:

Tenure of office.

The term of the inspectors of the hospital at Rainsford Island, now in office, shall terminate at the expiration of three years from the date of their appointment, respectively; and the governor, with the advice and consent of the council, shall appoint a board of three inspectors of said hospital, residing in the immediate vicinity thereof, and one member at least of said board shall be appointed annually.

Approved April 11, 1861.

An Act to incorporate the Vineyard Sound Railroad Company. *Chap.* 196

Be it enacted, &c., as follows:

Section 1. Oliver C. Swift, William Nye, Jr., Elijah Swift, George Marston, Sylvanus B. Phinney, Silas J. Bourne, their associates and successors, are hereby made a corporation by the name of the Vineyard Sound Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the sixty-third chapter of the General Statutes, and to all other general laws that have been or shall hereafter be passed, relative to railroad corporations. Corporators. Title. Privileges and restrictions.

Section 2. Said corporation is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, commencing at a point in the town of Sandwich near the Monument station of the Cape Cod Railroad Company, thence running in a southerly direction through the villages of Monument and Pocasset, in Sandwich and North Falmouth and West Falmouth, in Falmouth, to a point near the village of Falmouth, and thence southwesterly to tide-water at Woods Hole, in said Falmouth, with the right to build, and maintain, in tide-water, at Woods Hole, such wharf or wharves as may be necessary to the convenient transaction of business and transhipment of freight or passengers at that place. Location and construction.

Section 3. The capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars each ; and no assessment shall be levied thereon of a greater amount than one hundred dollars a share, and no shares shall be issued for a less sum, to be actually paid in, than the par value of the shares which shall be first issued. Capital. Shares.

Section 4. Said company are hereby authorized to enter upon and unite their railroad with the railroad of the Cape Cod Railroad Company at or near Monument station, and to use the railroad of said Cape Cod Railroad Company upon the terms provided by the general laws of the Commonwealth. May unite with Cape Cod Company.

Section 5. This act shall be void if the location of the railroad herein authorized shall not be filed with the county commissioners of the county of Barnstable within three years, and if said railroad is not completed within five years after the passage of this act. Conditions of validity of act.

Section 6. This act shall take effect upon its passage.

Approved April 11, 1861.

Chap. 197 An Act relating to the election of town officers.

Be it enacted, &c., as follows:

Elections made valid.

Section 1. The election of town officers in the several towns in the Commonwealth, heretofore made at the annual town meetings, so far as the same may be illegal, for the reason that the check list was not used in the election of said officers, or the moderator of any such meeting, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Section 2. This act shall take effect upon its passage.

Approved April 11, 1861.

Chap. 198 An Act making provision for the unfunded debt of the commonwealth, and for other purposes.

Be it enacted, &c., as follows:

Issue of scrip by treasurer authorized.

Section 1. The treasurer of the Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three hundred thousand dollars, bearing an interest not exceeding six per centum per annum, payable semi-annually, on the first days of June and December, with interest warrants attached thereto, signed by the treasurer;

Redemption.

which scrip or certificates of debt shall be redeemable as follows, namely: one-third part thereof on the first day of June, eighteen hundred and sixty-eight; one-third part thereof on the first day of June, eighteen hundred and seventy, and one-third part thereof on the first day of June, eighteen hundred and seventy-two; and shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of

Disposition.

the faith and credit of the Commonwealth: and the treasurer may, under the direction of the governor and council, dispose of any portion of said scrip, at any price not less than its par value.

Funds, how applied.

Section 2. The funds arising from the disposal of the said scrip, shall be applied to the payment of the unfunded debt now existing against the Commonwealth, and to the supply of any deficiency which may arise in the current income of the present year to meet the current expenses of the same.

Negotiation, how affected.

Section 3. In case such scrip or certificates cannot be negotiated at par, bearing interest at five per centum, the treasurer under the direction of the governor and council, shall advertise for proposals for such scrip or certificates bearing interest at six per centum; and said scrip or certificates shall be issued to the highest bidders therefor.

Section 4. This act shall take effect upon its passage.

Approved April 11, 1861.

An Act relating to horse railroad corporations. *Chap.* 199

Be it enacted, &c., as follows:

Section 1. If any horse railroad corporation within the city of Boston shall violate any lawful rule or regulation of the board of aldermen of said city, or if any horse railroad corporation in any other city or town shall violate any lawful rule or regulation of the board of mayor and aldermen of any city, or of the selectmen of any town, such corporation shall be liable to a penalty of not more than fifty dollars for each offence: *provided*, *however*, that any person or corporation affected by any rule or regulation established by the board of aldermen or selectmen as aforesaid, may apply to the supreme judicial court, for the appointment of three commissioners as hereinafter provided in the second section of this act, who shall, after hearing all parties, modify, revoke or approve in whole, or part, said rules and regulations as they shall judge the interests of the public require, and whose report when confirmed by the said court, shall be final and conclusive.

Penalty for violation of municipal ordinance.

Proviso.

Section 2. Whenever the track of any horse railroad corporation within the city of Boston shall connect with the track, or terminate at the terminus of any other horse railroad corporation, either of said corporations shall have the right to notify such other corporation of its desire to have the passengers upon its road transported over such other road within the city of Boston, and to have checks or tickets issued by such other corporation, so that the same may be distributed or sold upon the cars of the road so applying to the passengers in such cars, entitling the holder of the same to a passage in the cars of such other road to a point or points within the city of Boston: and if such corporations shall be unable to agree upon the terms and conditions upon which such commutation, transfer, or exchange tickets shall be issued, the supreme judicial court, upon the petition of either party, and notice to the other party and to the city of Boston, shall appoint three commissioners, who, after due notice to the parties and to the city of Boston, and after hearing said parties and said city, shall establish the terms and conditions on which commutation, transfer, or exchange tickets shall be issued, and shall fix and determine all other things needful to insure and subserve the convenient transfer of the passengers upon one road to the cars of the other, therein to be transported to a point or points on such road within the city of Boston: said commissioners, in their award, shall have reference to convenience and interests of the public, and of the corporations to be accommodated or

Corporations connecting tracks may exchange tickets, etc.

Reference in case of disagreement.

affected thereby, and the award of the said commissioners, or of a major part of them, being returned to and approved by the court, shall be binding upon the respective corporations interested therein, until the same shall have been revised or altered by commissioners upon like notice and in like manner appointed; but no such revision or alteration shall be made within one year from the acceptance of such award. The costs of such application shall be assessed upon said corporations, as said commissioners or the court shall determine.

Section 3. This act shall take effect upon its passage.

Approved April 11, 1861.

Chap. 200 An Act in relation to the state reform school and the state industrial school.

Be it enacted, &c., as follows:

Examinations upon complaints, how conducted.

Upon complaint made to any judge of a probate court, or any magistrate now authorized to issue warrants in criminal cases, for any of the causes set forth in chapter seventy-fifth, section sixth, and chapter seventy-sixth, section seventeenth, of the General Statutes, he shall examine on oath the complainant and any witnesses produced by him; shall reduce the complaint to writing and cause the same to be subscribed by the complainant; may issue a warrant reciting the substance of the accusation and requiring the officer to whom it is directed forthwith to take the person accused, and bring him or her before said judge of the probate court, or some judge of the superior court, to be dealt with according to law; and in the warrant may require the officer to summon such witnesses as shall be therein named, to appear and give evidence on the examination.

Approved April 11, 1861..

Chap. 201 An Act to repeal the fourth section of the one hundred and fifty-fourth chapter of the acts of the year one thousand eight hundred and fifty-nine.

Be it enacted, &c., as follows:

Repeal.

Section 1. The fourth section of chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine is hereby repealed.

Tolls on Mill-dam, etc., commissioners on public lands, to confer with corporation concerning continuance, etc.

Section 2. The commissioners on public lands are hereby authorized to make such arrangements with the Boston and Roxbury Mill Corporation, and with any cities and towns or other corporations or parties interested, respecting a continuance of the tolls on the Mill-dam, and the roads and bridges connected therewith, the fee of which vested in the Commonwealth by its indenture with the Boston and Roxbury Mill

Corporation, hereinafter mentioned, and more particularly specified in a further indenture with the said Boston and Roxbury Mill Corporation, executed on the thirtieth day of December, in the year eighteen hundred and fifty-six, and in regard to any rights and easements therein, and in regard to the acceptance of the same as highways by said cities and towns, as they may deem suitable and proper, and shall have authority to execute all necessary instruments to carry such arrangements into effect, subject to the approval of the governor and council; and out of any income derived from such tolls, they shall keep in suitable repair, the Mill-dam, cross dam and roads and bridges connected therewith, whenever said dams, roads and bridges, shall come into the power and control of the Commonwealth by virtue of the indenture between the Commonwealth and the Boston and Roxbury Mill Corporation, made and concluded the ninth day of June, in the year eighteen hundred and fifty-four, or otherwise; and any surplus, not required for such repairs, shall be paid into the treasury of the Commonwealth, to be kept as a separate fund for the same purposes: *provided*, that such tolls shall cease, whenever the said ways and bridges are accepted and duly laid out as highways, by the proper authorities, and not sooner. *Approved April* 11, 1861.

Income.

Surplus.

Proviso.

An Act in addition to an act to incorporate the agricultural branch railroad company. *Chap.* 202

Be it enacted, &c., as follows:

Section 1. The Agricultural Branch Railroad Company are hereby authorized to locate, construct and maintain a branch railroad, from a point on their railroad near the house of Margaret Newton, in the southerly part of Marlborough, to the end of their track as now laid down, near the town house in Marlborough Centre. And the said Agricultural Branch Railroad Company in locating, building and maintaining said branch railroad shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions, contained in the General Statutes pertaining to railroad corporations.

Branch road in Marlborough authorized.

Privileges and restrictions.

Section 2. This act shall take effect upon its passage. *Approved April* 11, 1861.

An Act making appropriations for certain expenditures and deficiencies, and for other purposes. *Chap.* 203

Be it enacted, &c., as follows:

The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the treasury of the Commonwealth,

Appropriations authorized.

from the ordinary revenue, upon the warrants of the governor, for the purposes specified, as follows, namely:

Criminal prosecutions, reimbursement to counties two-thirds costs of.

To reimburse the several counties two-thirds of the costs of criminal prosecutions which accrued prior to the thirtieth day of June, A. D. eighteen hundred and sixty, inclusive, and which were not taxed until after that date, according to the laws then existing, a sum not exceeding eight thousand five hundred dollars, to be taken from the unexpended balance of the appropriation for the reimbursement of criminal costs for the year eighteen hundred and sixty.

Expenses board agriculture.

For expenses of members of the board of agriculture for the year eighteen hundred and sixty, one hundred and ninety-seven dollars.

Transportation of paupers, 1859, '60.

For the transportation of state paupers in eighteen hundred and fifty-nine and eighteen hundred and sixty, in accordance with General Statutes, chapter seventy-one, section thirty-six, two hundred and eighty dollars.

Expenses bank commissioners, 1858, '60.

For the expenses of the bank commissioners for the year eighteen hundred and fifty-eight, fifty-eight dollars and fifty cents, and for the year eighteen hundred and sixty, one hundred and fifty-three dollars.

Publishing bank returns, 1858.

For publishing bank returns, for the last quarter of the year eighteen hundred and fifty-eight, twenty-five dollars.

Expenses insurance commissioners, 1858.

For expenses of the insurance commissioners for the year eighteen hundred and fifty-eight, nine dollars and fifty cents.

Arrest of fugitives, 1860.

For expenses incurred in the arrest of fugitives from justice in the year eighteen hundred and sixty, eleven dollars.

Decisions S. J. court.

For purchasing four hundred and thirty-four copies each of three volumes of the reports of decisions of the supreme judicial court, for distribution among the towns and cities, and other purposes, three thousand seven hundred and seventy-five dollars and eighty cents.

Burial of paupers, 1858, '59, '60.

For the burial of state paupers in the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty, seven hundred and twenty-two dollars and fifty cents.

Insane paupers, 1859, '60.

For the support of insane state paupers in the years eighteen hundred and fifty-nine and eighteen hundred and sixty, sixteen thousand dollars.

Publishing military report, 1858.

For the expense of publishing a military report of the council, in the month of September, eighteen hundred and fifty-eight, by order of the late adjutant-general, twenty dollars.

Newspapers.

To enable the auditor to settle accounts for newspapers, ordered by certain departments of the government, as

described in his annual report, a sum not exceeding one hundred dollars; and hereafter all such accounts and charges, when necessary for any department, shall be included as a part of its incidental expenses, and paid from the regular appropriation therefor.

Insurance commissioners, clerical assistance.

For clerical assistance employed by the insurance commissioners in the valuation of life insurance policies, in addition to the sum appropriated for the salaries and ordinary expenses of the board, the money actually paid into the treasury by the life insurance companies, under the provisions of section sixty-four of chapter fifty-eight of the General Statutes, passed December twenty-eighth, in the year eighteen hundred fifty-nine: *provided*, such compensation shall not exceed one thousand dollars for the current year. Proviso.

Farmers' clubs, expenses of.

The unexpended balance of the appropriation of eighteen hundred and fifty-nine for expenses of farmers' clubs, which is fifteen hundred and seventy-seven dollars and seventeen cents, is hereby re-appropriated for the purposes originally designed.

Approved April 11, 1861.

An Act making appropriations to meet certain expenditures authorized the present year, and for other purposes. *Chap.* 204

Be it enacted, &c., as follows:

Appropriations authorized.

Section 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified in certain acts and resolves, for the present year, herein cited as follows, namely:

Commissioners on public lands.

For compensation of the commissioners on public lands, a sum not exceeding two thousand dollars.

For clerk hire to said commissioners, a sum not exceeding one thousand dollars.

For contingent expenses of said commissioners, a sum not exceeding three thousand dollars; said sums to be paid from the moiety of the proceeds of sales already made, which by the resolves of the year one thousand eight hundred and fifty-seven, chapter seventy, is applicable to improvements; and the residue of said moiety shall be subject to the provisions of said chapter seventy.

Assistant-librarian.

For the salary of the assistant-librarian and clerk of the secretary of the board of education, one thousand five hundred dollars.

Binding railroad reports.

For binding annual railroad reports, agreeably to the provisions of chapter two hundred and sixty-two of the acts of eighteen hundred and fifty-nine, two hundred dollars.

Special statutes, printing. For completing the printing of the special statutes, and superintending the same under the provisions of chapter eighty-five of the resolves of eighteen hundred fifty-nine, fifty-two hundred dollars.

Registration books. For the purchase of books for the registration of births, marriages and deaths, for the use of the towns of the Commonwealth, as required by chapter twenty-one, section nine, of the General Statutes, eight hundred and twenty-five dollars.

Martin Wheelock In the resolve, chapter ten, of the resolves of the present year, in favor of Martin Wheelock, fifty dollars.

Mary Halloran. In the resolve, chapter sixteen, in favor of Mary Halloran, two hundred dollars.

Mary McGrath. In the resolve, chapter seventeen, in favor of the overseers of the poor of the town of Framingham, for the benefit of Mary McGrath, one hundred dollars.

A. O. Brewster. In the resolve, chapter nineteen, in favor of A. O. Brewster, twelve hundred dollars.

Eye and Ear Infirmary. In the resolve, chapter twenty-three, in favor of Massachusetts Charitable Eye and Ear Infirmary, the sum of two thousand dollars.

Elisha Brewer, Jr. In the resolve, chapter twenty-five, in favor of Elisha Brewer, Jr., one hundred and seventy-five dollars.

Allen G. Drody. In the resolve, chapter twenty-seven, in favor of Allen G. Drody, one hundred dollars.

School for Idiots. In the resolve, chapter twenty-eight, to pay expenses incurred on the building of the Massachusetts School for Idiotic and Feeble-Minded Youth, three thousand dollars.

Benjamin Smith. In the resolve, chapter eight, in favor of Benjamin Smith, a soldier of the revolution, one hundred and fifty dollars.

Michael F. Ney. In the resolve, chapter thirty, in favor of Michael F. Ney, eighty dollars.

Company B, 3d Batt. Infantry. In the resolve, chapter thirty-one, in favor of Company B, Third Battalion of Infantry, one hundred sixty-eight dollars ninety-six cents.

John C. Willey. In the resolve, chapter thirty-two, in favor of John C. Willey, one hundred fifty dollars.

Company B, 9th Reg't Infantry. In the resolve, chapter thirty-four, in favor of Company B, Ninth Regiment of Infantry, three hundred ninety dollars.

N. E. F. M. R. Society. In resolve, chapter thirty-six, in aid of the New England Female Moral Reform Society, one thousand dollars.

State prison library. For the benefit of the library at the state prison, the sum of two hundred dollars, agreeable to chapter forty-nine of resolves of eighteen hundred sixty.

For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding three hundred dollars, in addition to the sums heretofore appropriated; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairmen of such committees, or other member authorized by the committee to certify such accounts. Committees, clerical assistance.

In the resolve, chapter thirty-seven, in favor of Increase N. Emerton, fifty dollars. Increase N. Emerton.

In the resolve, chapter thirty-eight, in favor of Solomon Thayer, twenty-nine dollars. Solomon Thayer.

In the resolve, chapter forty, in favor of F. G. Towle and S. S. Seavy, twenty dollars and fifty-cents. Towle & Seavy.

In the resolve, chapter forty-two, in favor of the guardian of the Punkapog tribe of Indians for the benefit of Sally Burr, fifty-two dollars. Sally Burr.

In the resolve, chapter forty-three, in favor of the guardian of the Punkapog tribe of Indians for the benefit of Polly Croud, fifty-two dollars. Polly Croud.

In the resolve, chapter forty-four, in favor of Dennis S. Hogan, two hundred dollars. Dennis S. Hogan.

In the resolve, chapter forty-five, in favor of the guardian of the Punkapog tribe of Indians for the benefit of Charlotte E. Meyers, fifty-two dollars. C. E. Meyers.

In the resolve, chapter forty-six, in relation to certain repairs and improvements upon the state prison, nine thousand three hundred seventy-six dollars and thirty-two cents. State prison, improvements.

In the resolve, chapter forty-seven, in favor of Edward B. Moore, twenty dollars. E. B. Moore.

In the resolve, chapter forty-eight, in favor of the overseers of the poor of the town of Westport, for the benefit of Amelia P. Louis, one hundred dollars. Amelia P. Louis.

In the resolve, chapter forty-nine, in favor of the guardian of the Punkapog tribe of Indians for the benefit of Sally Burr and James Burr, fifty-two dollars. Sally and James Burr.

In the resolve, chapter fifty, in favor of the Worcester Children's Friend Society, one thousand dollars. Children's Friend Society.

In the resolve, chapter fifty-one, in aid of the Perkins' Institution and Massachusetts Asylum for the Blind, three thousand dollars. Asylum for blind.

In the resolve, chapter fifty-two, in favor of the state almshouse at Monson, thirty-two hundred dollars. Almshouse, Monson.

In the resolve, chapter fifty-three, in favor of David F. Parmenter, forty-eight dollars. D. F. Parmenter.

In the resolve, chapter fifty-four, in favor of Barnard C. Marchant, seventy-nine dollars and seventeen cents. B. C. Marchant.

W. A. Walker. In the resolve, chapter fifty-five, in favor of William A. Walker, fifteen dollars.

W. H. Luce. In resolve, chapter fifty-seven, in favor of W. H. Luce, one hundred dollars.

Attorney-general. In resolve, chapter fifty-nine, to provide the office of the attorney-general with the reports of the Commonwealth, two hundred fifty dollars.

War rolls, 1812. In the resolve, chapter fifty-six, in relation to the rolls of the war of eighteen hundred twelve, the sum of two hundred dollars.

Jemima Easton. In the resolve, chapter sixty, in favor of Jemima Easton, one hundred dollars.

Francis N. Luce. In the resolve, chapter sixty-one, in favor of Francis N. Luce, one hundred and four dollars.

Suppression of counterfeiting. In the resolve, chapter twenty-two, for the suppression of counterfeiting bank bills and coins, a sum not exceeding fifteen hundred dollars.

School for idiots. In the resolve, chapter twenty-six, in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, according to chapter forty-four of the resolves of eighteen hundred fifty-one, be increased to the sum of nine thousand dollars.

Agent discharged convicts. In the act, chapter seventy-eight, increasing the expenditure and compensation of the agent for discharged convicts, eighteen hundred dollars.

State engineer. For the salary of the state engineer of the Troy and Greenfield Railroad, in accordance with the acts of eighteen hundred sixty, chapter two hundred and two, section three, one thousand dollars.

Emergency fund, application of. The appropriation made in the twenty-second chapter of the acts of the year one thousand eight hundred and fifty-eight, for the emergency fund, is hereby made applicable to and may be used during the present political year, for the purposes and under the provisions and limitations mentioned in said chapter.

Rogers' Book Fund, income. Section 2. The income of the Rogers' Book Fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year one thousand eight hundred and fifty-seven.

Charles River and Warren Bridges. Section 3. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the Charles River and Warren Bridges Fund, for the year one thousand eight hundred and sixty-one, that is to say:

For repairs on said bridges and the buildings belonging thereto, a sum not exceeding one thousand five hundred dollars.

For the compensation of the draw-tenders on said bridges, in conformity with an act of the year one thousand eight hundred and fifty-nine, entitled "An Act concerning the Agent and Draw-Tenders of Charles River and Warren Bridges," a sum not exceeding two thousand three hundred dollars.

For horse-keeping, a sum not exceeding three hundred dollars.

For gas, oil, fluid and fuel, a sum not exceeding eight hundred dollars.

For incidental expenses, a sum not exceeding three hundred dollars.

Section 4. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the moneys arising from the tolls collected on the Essex Bridge, for the year one thousand eight hundred and sixty-one, that is to say : Essex Bridge.

For the salary of the agent of said bridge, the sum of two hundred and fifty dollars.

For the balance due Essex Bridge Corporation, as per award of commissioners, the sum of six hundred dollars.

For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding six hundred dollars.

For the repair and maintenance of said bridge, a sum not exceeding two thousand dollars.

For gas, oil and fluid, a sum not exceeding one hundred dollars.

For incidental expenses, a sum not exceeding fifty dollars.

And all moneys arising from the tolls on said bridge shall be paid into the state treasury. Disposition of tolls.

Section 5. In all cases for which no other provision is made by law, the income or any surplus thereof of all funds belonging to, or in the custody of the Commonwealth, shall be added to the principal. Surplus funds, how disposed of.

Section 6. This act shall take effect upon its passage.

Approved April 11, 1861.

An Act to incorporate the Brookline Water Company. *Chap.* 205

Be it enacted, &c., as follows :

Section 1. Theophilus P. Chandler, William I. Bowditch, William H. Hill, their associates and successors, are hereby made a corporation under the name of the Brookline Water Company, for the purpose of furnishing the inhabitants of Brookline with good water; with all the powers and privi- Corporators. Title. Purpose. Powers, etc.

leges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Capital.

Section 2. The capital stock of the said company shall be fifty thousand dollars, with the right at any time to increase it to one hundred thousand dollars by a vote of a majority of the shares; and the stock shall be divided into shares of one hundred dollars each.

Shares.

Real estate.

Section 3. The said company may purchase land and water-rights necessary for its objects, and pay therefor wholly or in part in the shares of the company at par.

May purchase land and ponds and improve same.

Section 4. The said company may purchase, take and hold the land lying east and south of Pond Avenue, including Willow Pond and Spring Pond, which lie partly in Brookline and partly in West Roxbury, and sufficient land below Willow Pond and adjoining it to make another large pond in an economical manner; and also as much land around the said ponds and the said contemplated pond, as may be necessary for the preservation of the purity of the same, but not exceeding five rods in width; but the said Brookline Water Company shall not take any land within one hundred feet of the land purchased by the Aqueduct Corporation of Giles Alexander, and may purchase and hold a lot of land on Summit Street in the said Brookline whereon to erect reservoirs, with the right to lay underground pipes thereto. The said company shall, within sixty days from the time of taking any such land, file in the office of the register of deeds in the county of Norfolk, a description of the lands so taken, and state the purpose for which it is taken.

Description to be filed with register of deeds.

May lay pipes, raise water, etc.

Section 5. The said company may raise or pump the water from any and all of the said ponds into reservoirs on Summit Street; and may, under the direction of the selectmen of Brookline, lay and maintain underground pipes through any of the streets and lanes of the said town, and through any private, corporate, or public grounds, when necessary, for the purpose of conveying the water from such reservoirs to the citizens of the said town who desire to receive and pay for it.

Damages, how determined.

Section 6. All damage sustained by taking land, or otherwise, may be ascertained, determined, and recovered in the manner provided by law in case of land taken for highways. But no proceedings shall be commenced after the lapse of one year after the damage occurred.

Limitation of time.

Brookline may insert hydrants.

Section 7. The town of Brookline shall be allowed the privilege of inserting ten hydrants into the main pipes of the company at such points as the selectmen may indicate, with the right of using the water for the purpose of extinguishing

fire and for filling the public reservoirs, but for no other purpose.

Construction of act defined.

Section 8. Nothing in this act contained, shall be so construed as to interfere with the chartered rights of the Jamaica Pond Aqueduct Corporation, or to give authority to the said Brookline Water Company to take any lands, ponds, springs, waters, streams, easements, franchises, rights or privileges belonging to the said Jamaica Pond Aqueduct Corporation, incorporated May eighth, eighteen hundred and fifty-seven.

Section 9. This act shall take effect upon its passage.

Approved April 11, 1861.

An Act to establish a law term of the supreme judicial court at Taunton, within and for the county of Bristol. *Chap.* 206

Be it enacted, &c., as follows:

Time of holding.

Section 1. A law term of the supreme judicial court, for entering and hearing questions of law, civil and criminal, arising in the county of Bristol, shall be held at Taunton annually, on the fourth Tuesday of October.

Purposes defined.

Section 2. Said term shall be taken to be a term for the return of process, entry of appeals, trials, and for all purposes for which a court may be held by a single justice in said county; but no jury shall be summoned for said term, unless an order therefor shall be issued by the justices of said court, or one of them, to the clerk of said county.

Approved April 11, 1861.

An Act concerning the police court in Haverhill and Bradford. *Chap.* 207

Be it enacted, &c., as follows:

District defined.

Section 1. The judicial district now under the jurisdiction of the police court of Haverhill, is hereby enlarged by including within the jurisdiction of said court, the town of Bradford.

Salary of justice.

Section 2. The justice of said court shall receive an annual salary of nine hundred dollars.

Clerk, when chosen.

Section 3. Whenever the said towns of Haverhill and Bradford, according to the next succeeding state census, shall contain fourteen thousand inhabitants, a clerk of said court shall be chosen at the municipal elections in the towns of Haverhill and Bradford, of the year in which clerks of other police courts shall next thereafter be elected.

Certificate of election.

Section 4. The town clerks of Haverhill and Bradford shall, within three days from the day of an election for said clerk, transmit copies of the records of the votes for said

clerk, attested by them, certified by the selectmen of said towns, and sealed up, to the justice of the court, and the justice shall examine them, and forthwith transmit to the person who appears to be chosen, a certificate of such choice, under his hand and the seal of said court.

Failure to elect.

Section 5. If it appears that said district has failed to elect a clerk, such fact shall be certified by the said justice to the selectmen of said towns, and thereupon a new election shall be held at the next annual town meetings of said towns, and similar proceedings shall be had as at the first trial.

Duties of clerk.

Section 6. The duties of the clerk of said court shall be the same now prescribed by the General Statutes as the duties of clerks of other police courts; and all the provisions of law now applicable to such clerks, shall apply to this clerk, excepting such as apply only to the police court of Boston, or prescribe the method of election.

Approved April 11, 1861.

Chap. 208 An Act in addition to an act making appropriations to meet certain expenditures authorized the present year, and for other purposes.

Be it enacted, &c., as follows:

Appropriations authorized.

Section 1. The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, upon the warrants of the governor, for the purposes specified in certain acts and resolves for the present year herein cited, as follows, namely:

H. A. Longley.

In the resolve, chapter sixty-four, in favor of Henry A. Longley, sixty dollars.

Moore & Harris.

In the resolve, chapter sixty-five, in favor of Granville C. Moore and Arthur Harris, fifteen dollars.

Statue of Mann.

In the resolve, chapter sixty-six, in relation to the statue of Horace Mann, fifteen hundred dollars.

Hospital at Northampton.

In the resolve, chapter sixty-nine, in favor of the state lunatic hospital at Northampton, six thousand seven hundred and fifty dollars.

Industrial school

In the resolve, chapter seventy-three, concerning the purchase of an additional building and lands for the state industrial school for girls, twenty-five hundred dollars.

C. & C. Indians.

In the resolve, chapter seventy-four, in favor of the Chappequiddic and Christiantown Indians, one hundred and four dollars, payable from the income of the School Fund.

Badges.

In the resolve, chapter seventy-six, relative to badges for officers of the general court, and other purposes, one hundred sixty-nine dollars.

For printing, required by chapter thirteen of the resolves of eighteen hundred and sixty, a sum not exceeding twelve hundred and fifty dollars. Printing.

The unexpended balance of the sum appropriated by chapter forty, of the acts of eighteen hundred and sixty-one, for printing for the valuation committee, is hereby appropriated for printing the documents and journals of said committee as ordered by the general court. Same.

For the salary of the justice of the police court in Lee, the sum of one hundred dollars, in addition to any former appropriation the present year. Police court, Lee, justice's salary.

The appropriation contained in chapter ninety-three of the acts of eighteen hundred sixty-one, for completing the publication of Harris' Report on Insects, shall be held to include, also, the unexpended balance of the appropriation in chapter two hundred ninety-six of the acts of eighteen hundred fifty-nine. Harris' Report on Insects.

In the resolve, chapter seventy-eight, in favor of Arad Denison, fifty-dollars. Arad Denison.

For clerical assistance to committees, in addition to the sums already appropriated, one hundred and fifty dollars. Committees, clerks of.

In the resolve, chapter eighty-four, in favor of the Indians of Gay Head, sixty dollars. Gay Head Indians.

In the resolve, chapter eighty-five, in favor of the Washingtonian Home, five thousand dollars. Washingtonian Home.

In the resolve, chapter eighty-eight, in favor of the state cabinet, five hundred dollars. State cabinet.

In the resolve, chapter eighty-nine, in favor of John Milton Earle, seven hundred seventy-five dollars. J. M. Earle.

For the purchase, by the secretary of the Commonwealth, of suitable blank books for the use of the assessors of each city and town, agreeably to the provisions of chapter one hundred and sixty-seven, of the acts of the present year, thirteen hundred dollars. Secretary, blank books.

In the resolve, chapter ninety-three, for the compensation of commissioners to Washington, thirty-five hundred dollars. Commissioners to Washington.

In the resolve, chapter ninety-one, in favor of the state reform school for boys, one thousand dollars. Reform school.

In the resolve, chapter ninety-four, in favor of John Hill, eighty dollars. John Hill.

In the resolve, chapter ninety-five, in favor of the Marshpee schools, in addition to the sums already appropriated, seventy-five dollars. Marshpee sch'ls.

In the resolve, chapter ninety-six, in favor of the state almshouse at Bridgewater, two thousand dollars. Almshouse, Bridgewater.

Extra messengers.

In the resolve, chapter ninety-seven, for the payment of extra messengers, one hundred fourteen dollars.

Police Court Haverhill and Bradford, justices' salary.

For the salary of the justice of the police court of Haverhill and Bradford, the sum of three hundred dollars, in addition to any former appropriation the present year.

Representatives' Hall, warming, &c.

In the resolve, chapter ninety-nine, concerning the warming and ventilating of the representatives' hall, one hundred dollars.

Gay Head Indians.

In the resolve, chapter one hundred, in favor of Tristram Mayhew, for the benefit of the Gay Head Indians, fifty dollars.

Agricultural school, establishment of.

In the resolve, chapter ninety-eight, in favor of the establishment of an agricultural school or college, two hundred dollars.

Approved April 11, 1861.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE ESTABLISHING THE OFFICE OF PRIVATE SECRETARY OF THE GOVERNOR OF THE COMMONWEALTH. *Chap.* 1.

Resolved, That the governor may appoint some suitable person as his private secretary, who shall hold his office during the pleasure of the governor, and shall receive in full compensation for his services, the sum of fourteen hundred dollars per annum, and at the same rate for any part of a year, to be paid out of the treasury of the Commonwealth, in equal quarterly payments. Governor may appoint. Salary.

Approved January 18, 1861.

RESOLVES TENDERING THE AID OF THE COMMONWEALTH TO THE PRESIDENT OF THE UNITED STATES, IN ENFORCING THE LAWS AND PRESERVING THE UNION. *Chap.* 2.

Whereas, Several states of the Union have, through the action of their people and authorities, assumed the attitude of rebellion against the national government; and *whereas*, treason is still more extensively diffused; and *whereas*, the state of South Carolina, having first seized the post office, custom-house, moneys, arms, munitions of war and fortifications of the federal government, has, by firing upon a vessel in the service of the United States, committed an act of war; and *whereas*, the forts and property of the United States, in Georgia, Alabama, Louisiana and Florida, have been seized with hostile and treasonable intention; and *whereas*, senators and representatives in congress avow and sanction these acts of treason and rebellion; therefore, Rebellion, existence of declared.

Resolved, That the legislature of Massachusetts, now, as always, convinced of the inestimable value of the Union, and the necessity of preserving its blessings to ourselves and our posterity, regard with unmingled satisfaction the determination evinced in the recent firm and patriotic special President proffered money and men.

message of the president of the United States, to amply and faithfully discharge his constitutional duty of enforcing the laws and preserving the integrity of the Union; and we proffer to him, through the governor of the Commonwealth, such aid in men and money as he may require, to maintain the authority of the national government.

Gratitude for patriotic devotion expressed.

Resolved, That the Union-loving and patriotic authorities, representatives and citizens of those states whose loyalty is endangered or assailed by internal or external treason, who labor in behalf of the Federal Union with unflinching courage and patriotic devotion, will receive the enduring gratitude of the American people.

Copies to be transmitted.

Resolved, That the governor be requested to forward, forthwith, copies of the foregoing resolutions to the president of the United States, and the governors of the several states. *Approved January* 23, 1861.

Chap. 3. Resolve concerning the quartermaster-general's department.

Appropriation transferred.

Resolved, That the sum of fifteen hundred dollars be, and the same is hereby transferred from the appropriation for military accounts, approved February twenty-ninth, one thousand eight hundred and sixty, to the adjutant and quartermaster-general's account, for the payment of certain demands upon that department, which have accrued during the year one thousand eight hundred and sixty.

Approved January 28, 1861.

Chap. 4. Resolve concerning the visit of his royal highness the prince of wales, to massachusetts.

Appropriation for troops authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of seven thousand six hundred dollars, for services of the troops, on the eighteenth of October last, ordered on duty by his excellency the governor and commander-in-chief, on the occasion of the visit of His Royal Highness the Prince of Wales, to the capitol of the Commonwealth; and the governor is hereby authorized to draw his warrant therefor. The accounts of said troops to be first audited and approved by the adjutant-general. *Approved January* 31, 1861.

Chap. 5. Resolve relating to reporters' seats in the house of representatives.

Re-arrangement authorized.

Resolved, That the sergeant-at-arms, under the direction of the commissioners on the state house, is hereby authorized to remove the present seats of reporters in the house of

representatives, and to replace the same by new and more convenient inclosures and tables: *provided*, that the whole expense thereof shall not exceed two hundred dollars.

Approved January 31, 1861.

Resolve tendering the hospitalities of the commonwealth to the president elect of the united states. *Chap.* 6.

Resolved, That his excellency the governor, the president of the senate, and the speaker of the house of representatives, be authorized to invite, in the name of the government and people of Massachusetts, the honorable Abraham Lincoln, president elect of the United States, previous to his inauguration, to visit this State as the guest of the Commonwealth. Invitation authorized.

Approved February 1, 1861.

Resolve for the appointment of commissioners to attend a convention to be held in the city of washington. *Chap.* 7.

Whereas, The Commonwealth of Massachusetts is desirous of a full and free conference with the general government and with any or all of the other states of the Union at any time and on every occasion when such conference may promote the welfare of the country; and Reasons enumerated.

Whereas, Questions of grave moment have arisen touching the powers of the government, and the relations between the different states of the Union; and

Whereas, The state of Virginia has expressed a desire to meet her sister states in convention at Washington; therefore,

Resolved, That the governor of this Commonwealth, by and with the advice and consent of the council, be and he hereby is authorized to appoint seven persons as commissioners, to proceed to Washington to confer with the general government, or with the separate states, or with any association of delegates from such states, and to report their doings to the legislature at its present session; it being expressly declared that their acts shall be at all times under the control, and subject to the approval or rejection of the legislature. Appointment authorized.

Approved February 5, 1861.

Resolve in favor of benjamin smith. *Chap.* 8.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Benjamin Smith, of Grafton, a soldier of the revolution, the annual sum of one hundred and fifty dollars, in semi-annual payments of seventy-five dollars each, due and payable on the first day of May and November respectively, in each year; but if, Appropriation authorized. Conditions.

during the intervals of such payments said Smith should decease, then this resolve shall have no further effect, except to provide for the payment of such sum, as shall have accrued from the date of the last payment, to the time of such decease. A resolve approved February twenty-fourth, eighteen hundred and sixty, entitled "A Resolve in favor of Benjamin Smith, a Revolutionary Pensioner," is hereby rescinded. *Approved February* 9, 1861.

Repeal.

Chap. 9. Resolve authorizing the treasurer to borrow money in anticipation of the revenue.

May borrow from banks and sinking funds.

Resolved, That the treasurer be and he hereby is authorized to require of the several banks of this Commonwealth, a loan of such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands upon the treasury within the current year; or he may borrow in like manner of the commissioners of the several sinking funds, such moneys as said commissioners may have on hand, uninvested: and said commissioners are hereby authorized to loan the same to the treasurer, under the terms of this resolve; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose shall be received into the treasury: *provided*, that the whole amount of the temporary loan authorized by this resolve, shall not at any time exceed five hundred thousand dollars.

Approved February 9, 1861.

Chap. 10. Resolve in favor of Martin Wheelock.

Annual pension allowed.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the annual sum of fifty dollars during his natural life, the first of which payments shall be due and payable on the twelfth day of June, in the year one thousand eight hundred and sixty-one. A resolve approved March sixteenth, eighteen hundred and fifty-five, entitled a "Resolve on the petition of Martin Wheelock," is hereby repealed. *Approved February* 9, 1861.

Repeal.

Chap. 11. Resolve making an appropriation for the pay of the electors of president and vice-president of the United States.

Resolved, That there be and hereby is appropriated from the treasury of the Commonwealth, out of the ordinary revenue, the sum of two hundred and one dollars for the compensation and mileage of the electors of president and vice-president of the United States, to be paid on the warrant of the governor. *Approved February* 15, 1861.

Resolve authorizing the commissioners of the county of Hampden to borrow money. *Chap.* 12.

Resolved, That the commissioners of the county of Hampden be, and hereby are authorized to borrow a sum not exceeding fourteen thousand dollars, on the credit of the county, for the purpose of enlarging the jail and house of correction of said county. *Approved February* 20, 1861.

Resolve in favor of Edgar M. Brown, clerk of the valuation committee. *Chap.* 13.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Edgar M. Brown, clerk of the valuation committee, the sum of twelve hundred dollars, in accordance with the vote of the valuation committee, passed December thirty-first, one thousand eight hundred and sixty; the same to be taken from the sum appropriated for the compensation of the valuation committee by the act approved January thirty-first, one thousand eight hundred and sixty-one. *Approved March* 1, 1861.

Resolve making an appropriation for the compensation of the members and officers of the valuation committee of the year one thousand eight hundred and sixty. *Chap.* 14.

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the valuation committee of the year one thousand eight hundred and sixty, three dollars and fifty cents for each and every day's actual attendance upon sessions of said committee, and to the doorkeepers and messengers in attendance on said committee, three dollars and thirty-three cents for each and every day's actual attendance on said committee, and to the pages two dollars and twenty cents for each day's actual attendance on said committee, exceeding the ninety days prescribed by chapter eighty-three of the resolves of the year one thousand eight hundred and sixty, and that the further sum of one hundred dollars be paid to the sergeant-at-arms, for extra services in attendance upon the said valuation committee; and the sum of two thousand seven hundred and eighty dollars and twenty-five cents is hereby appropriated out of the current revenue of the Commonwealth to meet said expenditures.

Approved March 2, 1861.

Resolve on the petition of Artemas Brown. *Chap.* 15.

Acts confirmed.

Resolved, That any and all conveyances of real estate made by Artemas Brown of Medway, as guardian of Elijah Whiting, an insane person, in pursuance of authority from the probate court of the county of Norfolk, and notice of

sale signed by him, dated October sixteenth, eighteen hundred and forty-four, shall not be rendered void by reason of any omission in said notice to designate the place of said sale; but said sales and conveyances are hereby confirmed.

Approved March 2, 1861.

Chap. 16. Resolve in favor of Mary Halloran.

Resolved, That for reasons set forth in the petition of G. C. Sanborn and others, there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of the town of Westborough, the sum of two hundred dollars, to be by them disbursed in favor of the family of Mary Halloran, of said town. *Approved March* 9, 1861.

Chap. 17. Resolve in favor of the overseers of the poor of the town of Framingham, for the benefit of Mary McGrath.

Resolved, That for reasons set forth in the petition of Mary McGrath, there be allowed and paid out of the treasury of the Commonwealth to the overseers of the poor of the town of Framingham, the sum of one hundred dollars, for the benefit of the said Mary McGrath.

Approved March 9, 1861.

Chap. 18. Resolve for an appropriation for state normal schools.

Deficiency provided for.

Resolved, That there be appropriated and paid out of the moiety of the income of the school fund applicable to educational purposes, the sum of four thousand four hundred dollars, to meet a deficiency for the support of the state normal schools, for the quarter ending December thirty-first, in the year one thousand eight hundred and sixty, and that the governor draw his warrant accordingly.

Approved March 12, 1861.

Chap. 19. Resolve on the petition of A. O. Brewster, assistant district-attorney for the county of Suffolk.

Allowance for extra services.

Resolved, For reasons set forth in the petition of A. O. Brewster, that there be allowed and paid him out of the treasury of the Commonwealth, the sum of twelve hundred dollars, for extra services as assistant district-attorney for the county of Suffolk. *Approved March* 13, 1861.

Chap. 20. Resolves in relation to a ship canal to connect Barnstable Bay and Buzzard's Bay.

Time for completion extended.

Resolved, That the time for completing the exploration, surveys, plans and estimates, of the ship canal to connect Barnstable Bay with Buzzard's Bay, as provided by the

eighty-fourth chapter of the Resolves of the year eighteen hundred and sixty, be and hereby is extended to the end of the present year, and that there be appointed a committee of two on the part of the senate, and five on the part of the house, to sit in the recess for that purpose, with all the power and authority set forth therein; and that said committee are instructed to make their report to the next legislature. Committee authorized.

Resolved, That the committee be and hereby are authorized to employ George R. Baldwin, or in case he is incapacitated, any other competent engineer, to superintend said surveys, and that his services, when approved by said committee, be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated. May employ engineer.

Resolved, That the sum of six thousand dollars be, and hereby is appropriated, in addition, to defray expenses already incurred under said resolve, and in completing the work therein directed. *Approved March* 14, 1861. Appropriation.

Resolve relating to the plates of the state map. *Chap.* 21.

Resolved, That the secretary of the Commonwealth be authorized to allow Henry F. Walling to take the plates of the state map, and transport the same to the city of New York, for the purpose of publication by lithographic transfer; permission being first duly obtained of his bondsmen, for said removal, so as not to impair the bonds for the safe-keeping and return of said plates, and provision being made to keep up the full amount of insurance as required by the existing contract; said plates to be subject to an order of return to the custody of the secretary of the Commonwealth at his discretion. *Approved March* 15, 1861. Removal authorized. Conditions.

Resolve granting aid for the suppression of counterfeiting bank bills and coin. *Chap.* 22.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting in this Commonwealth, a sum not exceeding one thousand five hundred dollars, for the purpose of the prevention and detection of the crime of making, or tendering in payment, as true, counterfeit bank bills, or counterfeit gold and silver coin: *provided*, that no sum be paid under or by authority of this resolve, which shall exceed one-third of the amounts which said association shall certify and prove to the governor, shall have been raised and judiciously expended by said association, for the purposes aforesaid. *Approved March* 21, 1861. Conditional appropriation authorized.

Chap. 23. Resovle in favor of the Massachusetts Charitable Eye and Ear Infirmary.

Appropriation authorized.

Resolved, That the sum of twenty-five hundred dollars be allowed and paid from the treasury of the Commonwealth, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees, for the charitable purposes of said infirmary:

Proviso.

provided, *however*, that the said trustees report to the legislature during the month of January next, a detailed account of the manner in which this appropriation has been expended.

Approved March 21, 1861.

Chap. 24. Resolve for painting and repairing the arsenal at Cambridge, and the magazine, at "Captain's Island."

Resolved, That the sum of eight hundred dollars be appropriated to paint the Arsenal, at Cambridge, and to repair the Magazine at "Captain's Island," the same to be taken from the unexpended balance for military accounts, for the year eighteen hundred and sixty, and expended under the direction of the adjutant-general. *Approved March* 21, 1861.

Chap. 25. Resolve in favor of Elisha Brewer, Jr.

Resolved, For reasons set forth in the petition of Elisha Brewer, Jr., of Boston, that there be allowed and paid, out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and seventy-five dollars.

Approved March 21, 1861.

Chap. 26. Resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth.

Appropriation increased.

Resolved, That the sum allowed to the treasurer of the Massachusetts School for Idiotic and Feeble-Minded Youth, according to chapter forty-four of the Resolves of the year one thousand eight hundred and fifty-one, be increased to the sum of nine thousand dollars, which shall be used and applied according to the conditions of said forty-fourth

Proviso.

chapter: *provided*, that the said institution shall gratuitously receive and educate twenty-five idiotic persons, to be designated by the governor, in addition to the number provided for in the said forty-fourth chapter; and *provided*, *further*, that six of the trustees shall be appointed by the governor and council. *Approved March* 21, 1861.

Chap. 27. Resolve in favor of Allen G. Drody, Jr.

Resolved, For reasons set forth in the petition of Allen G. Drody, Jr., of Boston, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred dollars. *Approved March* 21, 1861.

Resolve to pay expenses incurred on the buildings of the Massachusetts School for Idiotic and Feeble-minded Youth. *Chap.* 28.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the School for Idiotic and Feeble-Minded Youth, the sum of three thousand dollars, to be applied on the debt already incurred for building purposes, under the direction of the trustees.

Approved March 22, 1861.

Resolve on the petition of Thomas F. Cordis and others. *Chap.* 29.

Resolved, For the reasons set forth in said petition, that John J. Clarke of Roxbury, in the county of Norfolk, the surviving trustee under the will of Thomas Cordis, late of Longmeadow, in the county of Hampden, deceased, be and he hereby is authorized and empowered to sell, at public or private sale, and on such terms and conditions as he shall think proper, and to execute all necessary deeds and instruments to convey, in fee simple, or any less estate, to the purchaser or purchasers thereof, free and discharged from all trusts and claims, arising under or by virtue of the will aforesaid, and from all liability for the application of the purchase money, the real estate on Myrtle Street, in the city of Boston, numbered twenty-seven, with the buildings thereon, and the privileges and appurtenances thereto belonging, and the same described in a deed of conveyance, from John H. Trowbridge to said Thomas Cordis, dated the first day of January, in the year of our Lord eighteen hundred and forty-nine, and recorded with Suffolk Deeds in liber five hundred ninety-seven, folio six, and all the right, title, interest, estate, claim and demand, of which said Thomas Cordis died seized and possessed therein; and to invest and hold the net proceeds of such sale, during the lives of the four sons of the said testator, in the same manner as is provided in said will, and for the use and benefit of the same persons, as the said property itself, if it had not been sold, would have been holden under the provisions of said will; and to pay over the income received on said proceeds, to the persons who would have been entitled to the income, and rents and profits of such real estate, had there been no sale or proceedings as are hereby authorized: *provided*, that the said Clarke shall first give satisfactory bond to the judge of probate, or judge of probate and insolvency for said county of Hampden, for the faithful execution of the power hereby conferred on him.

Trustee may sell property.

Investment of proceeds.

Income.

Proviso.

Approved March 25, 1861.

Chap. 30. Resolve in favor of Michael F. Ney.

Resolved, That for reasons set forth in the petition of Michael F. Ney, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of eighty dollars. *Approved March* 26, 1861.

Chap. 31. Resolve in favor of company B, third battalion of infantry.

Allowance for mileage.

Resolved, That for the reasons set forth in the petition of H. W. Pratt, commander of Company B, Third Battalion of Infantry of the Massachusetts Volunteer Militia, there be allowed and paid from the treasury of the Commonwealth, to said company, the sum of one hundred and sixty-eight dollars and ninety-six cents, for mileage to the military review given in honor of the Prince of Wales, at Boston, in October last. *Approved March* 27, 1861.

Chap. 32. Resolve in favor of John C. Willey.

Expenses under liquor law remunerated.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of one hundred and fifty dollars, to John C. Willey, as remuneration for expenses incurred by him, in defence of a suit under the liquor law of eighteen hundred and fifty-five. *Approved March* 27, 1861.

Chap. 33. Resolves in aid of the state library.

Secretary Commonwealth to furnish statutes.

Resolved, That the secretary of the Commonwealth be authorized to furnish the state library, for domestic and international exchanges, upon the request of the librarian and trustees of said library, copies of the General Statutes of eighteen hundred and sixty; also of the annual statutes, law reports, public documents, scientific reports, and whatever works shall hereafter be published by the authority of the legislature.

Alcoves, protection of.

Resolved, That the librarian and trustees of the state library be authorized to provide further protection to the alcoves and books in said library, and that a sum not exceeding seven hundred dollars be appropriated for this purpose.

Clerical assistance.

Resolved, That the librarian be authorized to employ additional clerical assistance, to perform such labor as he may require, and that a sum not exceeding four hundred dollars per annum, be appropriated, and the same is hereby appropriated to defray the expense thereof.

Approved March 27, 1861.

Chap. 34. Resolve in favor of company B, ninth regiment of infantry.

Allowance for mileage and attendance.

Resolved, That for reasons set forth in the petition of John W. Kimball, commander of Company B, Ninth Regi-

ment of Infantry, of the Massachusetts Volunteer Militia, there be allowed and paid from the treasury of the Commonwealth, to said company, the sum of three hundred and ninety dollars, for mileage and attendance at the military review given in honor of the Prince of Wales, at Boston, in October last. *Approved March* 27, 1861.

Resolve making an appropriation to meet deficiencies in former appropriations for the support of the state reform school. *Chap.* 35.

Resolved, That the sum of ten thousand dollars be, and the same hereby is appropriated, from the current revenue of the Commonwealth, for the use of the trustees of the state reform school at Westborough, to pay deficiencies in the appropriations for the years eighteen hundred and fifty-nine and eighteen hundred and sixty. For years of 1859, '60

Approved March 27, 1861.

Resolve in aid of the New England Female Moral Reform Society. *Chap.* 36.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, one thousand dollars, in aid of the New England Female Moral Reform Society, to be used by its officers in furtherance of the benevolent designs of that corporation. *Approved March* 27, 1861.

Resolve in favor of Increase N. Emerton. *Chap.* 37.

Resolved, For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty dollars. *Approved March* 27, 1861.

Resolve in favor of Solomon Thayer. *Chap.* 38.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of twenty-nine dollars, to Solomon Thayer of Southbridge, as remuneration for expense incurred in defence of a suit brought against him as an officer executing the law concerning the manufacture and sale of intoxicating liquors. Expenses of suit remunerated.

Approved March 28, 1861.

Resolve directing the secretary of the Commonwealth to distribute certain special acts. *Chap.* 39.

Resolved, That the secretary of the Commonwealth be directed to furnish one copy each of the special acts of the legislature, passed subsequently to the year eighteen hun- Acts passed subsequent to 1848, distribution prescribed.

dred and forty-eight, to the members of the senate and house of representatives; the masters in chancery; the commissioners of insolvency; the judges, clerks, and registers of the judicial courts; the trial justices; the district-attorneys; the county commissioners; the sheriffs and keepers of jails; the registers of deeds; the keepers of the houses of correction; the warden of the state prison; the county treasurers; Harvard University, for the use of the law library; Harvard University; Williams College; Amherst College; Tufts College; Wilbraham Academy; Historic Genealogical Society; Trustees of the Museum of Comparative Zoölogy; American Academy of Arts and Sciences; Massachusetts Historical Society; Boston Athenæum; American Antiquarian Society in Worcester; Pilgrim Society in Plymouth; Old Colony Historical Society in Taunton; the law library societies in each county; the judges of the supreme court of the United States; the judge of the district court of the United States for the district of Massachusetts; the clerks of the courts of the United States for the district of Massachusetts; and four copies, each, to the secretary of State of the United States; three copies, each, to the secretary of each State of the Union, for the use of the state; and three copies to the library of congress.

Approved March 28, 1861.

Chap. 40. Resolve in favor of F. G. Towle and S. S. Seavy.

Appropriation authorized.

Resolved, That for reasons set forth in the petition of F. G. Towle and S. S. Seavy, there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of twenty dollars and fifty cents, as compensation for the use of a carriage at the military review at Concord, in September, in the year eighteen hundred and fifty-nine.

Approved March 28, 1861.

Chap. 41. Resolve providing for indemnification for cattle killed by order of commissioners.

Commissioners to certify facts to governor.

Resolved, That the commissioners appointed under the act approved April fourth, in the year eighteen hundred and sixty, and entitled "An Act to provide for the extirpation of the disease called pleuro-pneumonia among cattle," be and they hereby are required to certify to the governor and council, the names of all persons whose cattle were killed by their authority, for the reason that they appeared to be affected with the disease called pleuro-pneumonia, and not paid for, together with the number, description, and fair value of such cattle at the time they were killed. Upon

the receipt of such certificate, the governor, with the advice and consent of the council, may draw his warrants in favor of such persons, and for such sums as shall appear to them to be justly due. The money so appropriated shall be taken from the appropriation for carrying into effect the provisions of the laws concerning contagious diseases among cattle. Warrants discretionary.

Approved March 28, 1861.

Resolve in favor of the guardian of the Punkapog tribe of Indians, for the benefit of Sally Burr, of Cambridgeport. *Chap.* 42.

Resolved, That for reasons set forth in the petition of Sally Burr, of Cambridgeport, a member of the Punkapog tribe of Indians, there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Sally Burr. Appropriation authorized.

Approved March 28, 1861.

Resolve in favor of the guardian of the Punkapog tribe of Indians, for the benefit of Polly Crowd. *Chap.* 43.

Resolved, That for reasons set forth in the petition of Polly Crowd, a member of the Punkapog tribe of Indians, there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, in addition to what she now receives, under a resolve passed in the year one thousand eight hundred and fifty-three, the sum of fifty-two dollars, for the benefit of the said Polly Crowd. Additional appropriation authorized.

Approved March 28, 1861.

Resolve in favor of Dennis S. Hogan. *Chap.* 44.

Resolved, For reasons set forth in the petition of Dennis S. Hogan, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of two hundred dollars.

Approved March 28, 1861.

Resolve in favor of the guardian of the Punkapog tribe of Indians, for the benefit of Charlotte E. Myers. *Chap.* 45.

Resolved, That for reasons set forth in the petition of Charlotte E. Myers, a member of the Punkapog tribe of Indians, there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of the said Charlotte E. Myers. Appropriation authorized.

Approved March 28, 1861.

Resolve in relation to the State Prison. *Chap.* 46.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of four thousand Appropriation for expenditures authorized.

three hundred and seventy-six dollars and thirty-two cents, for expenses incurred on account of the erection of a new stone shed, and the further sum of five thousand dollars for the extension of the wharf belonging to said prison; said sums to be expended under the direction of the warden and inspectors: *provided*, that no charge shall be made by said warden and inspectors for services therefor.

Proviso.

Approved March 28, 1861.

Chap. 47. Resolve in favor of Edward B. Moore.

Remuneration for expenses as coroner.

Resolved, For reasons set forth in the petition of Edward B. Moore, of Boston, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of twenty dollars, as remuneration for expenses incurred by him as a coroner in the county of Suffolk.

Approved March 28, 1861.

Chap. 48. Resolve in favor of the overseers of the poor of the town of Westport, for the benefit of Amelia P. Louis.

Allowance for Gay Head Indian.

Resolved, That for reasons set forth in the petition of Jireh Brownell and other citizens of Westport, there be allowed and paid from the treasury of the Commonwealth, the sum of one hundred dollars, to the overseers of the poor of the town of Westport, for the benefit of Amelia P. Louis, a member of the Gay Head tribe of Indians.

Approved March 28, 1861.

Chap. 49. Resolve in favor of the guardian of the Punkapog tribe of Indians, for the benefit of Sally Burr, of Boston, and her son James Burr.

Allowance granted.

Resolved, That for reasons set forth in the petition of Sally Burr, of Boston, there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog tribe of Indians, the sum of fifty-two dollars, for the benefit of Sally Burr and her son James Burr, members of said tribe of Indians. *Approved March* 28, 1861.

Chap. 50. Resolve in aid of the Worcester Children's Friend Society.

Allowance granted.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, one thousand dollars, in aid of the Worcester Children's Friend Society, to be used by its officers in furtherance of the benevolent designs of that corporation. *Approved March* 28, 1861.

Chap. 51. Resolve in aid of the Perkins' Institution and Massachusetts Asylum for the Blind.

Additional allowance.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Perkins' Institution

and Massachusetts Asylum for the Blind, in addition to the sum heretofore appropriated for current expenses, three thousand dollars: *provided*, that the trustees of said institution shall receive and gratuitously educate, all such persons as the governor of the Commonwealth may designate. Proviso.

Approved April 1, 1861.

Resolve in favor of the state almshouse at Monson. *Chap.* 52.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be used by the inspectors of the state almshouse at Monson, the sum of thirty-two hundred dollars, for the following purposes, to wit: For building hospital, two thousand dollars; for steam-boiler, twelve hundred dollars. Appropriation authorized. *Approved April* 1, 1861.

Resolve in favor of David F. Parmenter and others. *Chap.* 53.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the following staff officers of the Third Battalion of Rifles, for military bounty due them for services performed during the year eighteen hundred and fifty-nine, to David F. Parmenter, the sum of fifteen dollars, to Samuel Flagg, the sum of fifteen dollars, to Charles Coleman, the sum of nine dollars, to John C. Newton, the sum of nine dollars. Military bounty, 1859, allowance for. *Approved April* 1, 1861.

Resolve in favor of Barnard C. Marchant. *Chap.* 54.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Barnard C. Marchant, guardian of the Christiantown and Chappequiddic Indians, the sum of seventy-nine dollars and seventeen cents, for the board and burial expenses of William Johnson, a member of the Chappequiddic tribe, who died July eighth, eighteen hundred and sixty. Allowance for Chappequiddic Indian. *Approved April* 1, 1861.

Resolve in favor of William A. Walker. *Chap.* 55.

Resolved, That for reasons set forth in the petition of William A. Walker, major of the Tenth Regiment of the Massachusetts Volunteer Militia, there be allowed and paid out of the treasury of the Commonwealth, to the said William A. Walker, the sum of fifteen dollars. Allowance granted.

Approved April 1, 1861.

Resolve in relation to the rolls of the war of eighteen hundred and twelve. *Chap.* 56.

Resolved, That the secretary of the Commonwealth be authorized and directed to take such measures as may be Secretary to recover rolls.

necessary to recover the Massachusetts rolls, of the war of the year eighteen hundred and twelve, now in the city of Washington. *Approved April* 1, 1861.

Chap. 57.

Allowance for medical attendance upon Indians.

Resolve in favor of W. H. Luce.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of one hundred dollars, to W. H. Luce, of Tisbury, as full compensation for his services, as physician to the Gay Head and Christiantown Indians, to February eighth, in the year eighteen hundred and sixty. *Approved April* 1, 1861.

Chap. 58.

Final appropriation for General Statutes.

Resolve in favor of William White, state printer.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William White, state printer, the sum of one thousand one hundred and fourteen dollars and forty-six cents; said sum to be taken from the appropriation for printing and binding the General Statutes, and to be in full for all claim on the part of said White for printing the General Statutes, agreeably to the resolve approved December twenty-eight, eighteen hundred and fifty-nine. *Approved April* 1, 1861.

Chap. 59.

Secretary to furnish reports.

Resolve to provide the office of the attorney-general with the reports of the Commonwealth.

Resolved, That the secretary of the Commonwealth be directed to furnish the office of the attorney-general, at the state house, with a series of the statutes and judicial reports of the Commonwealth, and that there be appropriated therefor, from the treasury of the Commonwealth, the sum of two hundred and fifty dollars. *Approved April* 1, 1861.

Chap. 60.

Appropriation for benefit authorized.

Resolve in favor of Jemima Easton.

Resolved, That for reasons set forth in the petition of Jemima Easton, an Indian residing in the town of Tisbury, there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of said town of Tisbury, the sum of one hundred dollars, for the benefit of said Jemima Easton. *Approved April* 1, 1861.

Chap. 61.

Appropriation for Indian authorized.

Resolve in favor of Francis N. Luce.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Francis N. Luce, the sum of one hundred and four dollars, for the support of Prince Johnson, an Indian pauper, from the fifteenth day of February, eighteen hundred and fifty-nine, to the fifteenth day of February, eighteen hundred and sixty.

Approved April 1, 1861.

Resolves in favor of Zurviah G. Mitchell. *Chap.* 62.

Resolved, That the governor and council be and they are hereby authorized to examine the claims of Zurviah G. Mitchell, and to ascertain what amount, if any, is still due to her for wood cut from her lots on the Indian territory, at Fall River, and sold by the successive guardians of the Indians at that place, for their benefit; and also to agree with the said Zurviah G. Mitchell, on a sum, for which on the payment thereof to her, she will relinquish to the Commonwealth all her right, title and interest in and to said lots. Governor and council to adjust claims.

Resolved, That in case a satisfactory arrangement cannot otherwise be made with the said Zurviah G. Mitchell, of the sum to be paid to her for the relinquishment of her claims, the governor and council may agree with her on referees, to whom the question shall be left, and whose decision thereon shall be final and conclusive; subject, however, to the approval of the governor and council. In case of failure to agree, referees to be appointed.

Resolved, That on the satisfactory adjustment of these matters, the governor be authorized to draw his warrant on the treasury for such amount as may be awarded to said Zurviah G. Mitchell, to be paid to her on the signing of such release as shall be satisfactory to the governor and council; said release to be a full and perfect discharge of the Commonwealth, and of the guardian of the Troy or Fall River Indians, from any claim she may have on the Indian land at Fall River, or for wood which may have been cut thereon. Conditions of award, upon adjustment.

Resolved, That in case a satisfactory arrangement cannot be made with the said Zurviah G. Mitchell, for the relinquishment of her rights in the Indian plantation, the guardian of the Troy or Fall River tribe be authorized to proceed to survey and lay out her lots, by metes and bounds, according to the original laying out, giving her due notice of the time when it is done: *provided*, *however*, that the legislature shall not have previously provided otherwise, for a new survey and location of the several lots on said plantation. Failure to adjust to authorize guardians to survey. Proviso.

Approved April 2, 1861.

Resolve in favor of Edwin Mayberry. *Chap.* 63.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Edwin Mayberry, as full compensation for medical attendance upon, and medicines furnished to William Johnson, an Indian and state pauper, the sum of fifty dollars and twenty-five cents; and the same is hereby appropriated for that purpose. Medical attendance upon Indian pauper, allowance for.

Approved April 2, 1861.

Chap. 64. Resolve in favor of Henry A. Longley.

Remuneration for expenses as sheriff authorized.

Resolved, That for reasons set forth in the petition of Henry A. Longley, there be allowed and paid out of the treasury of the Commonwealth, the sum of sixty dollars, as remuneration for expenses incurred while in the discharge of his duty as sheriff of the county of Hampshire.

Approved April 2, 1861.

Chap. 65. Resolve in favor of Granville C. Moore and Arthur Harris.

Military bounty, for 1858, allowed.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Granville C. Moore and Arthur Harris, members of Company A, of Halifax, of the Massachusetts Volunteer Militia, each, the sum of seven dollars and fifty cents, for military bounty for the year one thousand eight hundred and fifty-eight. *Approved April* 2, 1861.

Chap. 66. Resolve in relation to the statue of Horace Mann.

Preparation of grounds for pedestal, appropriation authorized.

Resolved, That a sum not exceeding fifteen hundred dollars, be appropriated and expended under the direction of the commissioners on the state house, in preparing the grounds, and furnishing a suitable pedestal for the reception of the statue of the late Horace Mann.

Approved April 2, 1861.

Chap. 67. Resolve relating to the equipment of troops for active service.

Appropriation of $25,000 for clothing and accoutrements.

Resolved, That the adjutant and acting quartermaster-general be, and he is hereby authorized, under the direction of the governor and council, to provide, either by contract or otherwise, a sufficient number of overcoats, blankets, knapsacks, haversacks and other articles of equipment, camp utensils, and trenching tools, as may be required to equip two thousand troops for active service; and a sum not exceeding twenty-five thousand dollars is hereby appropriated for that purpose. *Approved April* 3, 1861.

Chap. 68. Resolve making an appropriation for the purchase of a safe for the office of the treasurer and receiver-general.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to procure an additional safe for use in his office, and to cause the lock on the safe now in use in said office to be exchanged for another, affording greater security; and a sum not exceeding five hundred dollars is hereby appropriated to meet the expense thereof.

Approved April 6, 1861.

Resolve in favor of the State Lunatic Hospital at Northampton. *Chap.* 69.

Resolved, For reasons set forth in the petition of the trustees of the state lunatic hospital at Northampton, that there be allowed and paid to them, out of the treasury of the Commonwealth, the sum of six thousand seven hundred and fifty dollars, for the purchase of the following named articles, to wit: Appropriation authorized.

For a new steam-boiler, one thousand dollars; Specifications.
For the purchase of land, four thousand dollars;
For a coal-house, eight hundred dollars;
For a bowling alley, eight hundred dollars;
For a safe, one hundred and fifty dollars.

Approved April 6, 1861.

Resolve on the petition of Henry King Burgwyn and his wife Anna G. Burgwyn. *Chap.* 70.

Resolved, For reasons set forth in said petition, that the trustees for the time being, under the indenture of marriage settlement of Henry King Burgwyn and Anna G. Burgwyn, which was made and entered into on November twenty-sixth, of the year of our Lord one thousand eight hundred and thirty-eight, are empowered to invest any and all moneys, which shall be received by or upon any sale or sales of land, by them held under said marriage settlement, or for equality of exchange, in real estate out of the Commonwealth of Massachusetts, to an amount not exceeding twenty thousand dollars, and the balance in government stocks of the United States, and of this Commonwealth, and in mortgages of real estate in this Commonwealth, and in the scrip of any of the cities and towns of this Commonwealth; such investments in real estate to be subject, as now, to the approval of the said petitioners, and to the other provisions of said marriage settlement. Trustees authorized to invest moneys. Conditions.

Approved April 6, 1861.

Resolve on the petition of John Tracy and others. *Chap.* 71.

Resolved, For the reasons set forth in their petition, that John Tracy, William H. Osborn and Justin Swift, trustees, be and they hereby are authorized and empowered to convey the real estate in their said petition described, either at public or private sale, in fee simple, free and discharged from all trusts, and without any liability resting upon the purchaser, as to the application of the proceeds; such conveyance to vest in the purchaser a title as good and valid in law, as the Wells Manufacturing Company had at and previous to the making their conveyance to said Tracy and Conveyance of estate authorized.

Proviso.

Osborn, in trust, and all of the title of said trustees: *provided*, that said trustees shall first give to the judge of the probate court for the county of Windham, in the state of Connecticut, their bond conditioned to apply or distribute said proceeds among the creditors of said company or otherwise, according to the terms of said trust deed, the orders or decrees of said court, and the laws of said state, in that behalf provided. *Approved April* 6, 1861.

Chap. 72. Resolve in relation to instruments used in the survey of the state.

Secretary to collect and repair.

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized to cause to be collected and repaired, the instruments used in the survey of the state, and to deposit the same in his office; and that a sum not exceeding three hundred dollars be, and the same is hereby appropriated to be expended by the secretary for the purpose herein before mentioned. *Approved April* 6, 1861.

Chap. 73. Resolve concerning the purchase of an additional building and lands for the state industrial school for girls.

Appropriation authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the state industrial school for girls, the sum of twenty-five hundred dollars, for the purchase of the Stewart house, and twenty-five acres of land adjacent to the lands of said institution, to accommodate twenty girls and their matrons.

Approved April 6, 1861.

Chap. 74. Resolve in favor of the Chappequiddic and Christiantown Indians.

Appropriation for schools authorized.

Resolved, That there be allowed and paid out of the school fund of this Commonwealth, to the guardian of the Chappequiddic and Christiantown Indians, the sum of one hundred and four dollars, to aid in the support of the schools, among the said Indians, for the year eighteen hundred and sixty-one. *Approved April* 6, 1861.

Chap. 75. Resolve transferring and appropriating moneys in the quartermaster-general's department.

Resolved, That the sum of six hundred and ninety-five dollars and eighty cents be appropriated from the unexpended balance of the appropriation of eighteen hundred and sixty, for military bounty, now in the treasury, to defray the expenses incurred in firing salutes on the eighth day of January last. *Approved April* 6, 1861.

Resolves relative to badges for officers of the general court, and other purposes. *Chap.* 76.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the sergeant-at-arms, the sum of sixty-three dollars, paid by him for twenty-one silver badges, used by the officers of the general court; and that said badges remain in the custody of the sergeant-at-arms, whenever the legislature shall be prorogued, for the use of officers at future sessions. Purchase and custody of badges.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Levi F. Brown, an extra messenger, employed during fifty-three days of the present session, the sum of one hundred and six dollars. Pay of extra messenger.

Approved April 6, 1861.

Resolves in relation to certain memorials of the ancestors of Washington. *Chap.* 77.

Resolved, That the thanks of the general court be and hereby are presented to Hon. Charles Sumner, for his interesting and patriotic gift to the Commonwealth, of two memorial tablets in imitation of the originals which mark the resting-place of the ancestors of George Washington. Thanks to donor.

Resolved, That the commissioners on the state house cause the same to be prepared and placed, with appropriate inscriptions, in some convenient place in the Doric Hall of the state house, near the statue of Washington. Disposition of memorials.

Approved April 6, 1861.

Resolve in favor of Arad Denison. *Chap.* 78.

Resolved, That for reasons set forth in the petition of Arad Denison, there be allowed and paid out of the treasury of the Commonwealth, the sum of fifty dollars to said Denison. Appropriation authorized.

Approved April 9, 1861.

Resolve in aid of the Museum of Comparative Zoölogy. *Chap.* 79.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Museum of Comparative Zoölogy, the sum of twenty thousand dollars, to be applied to the support of the museum, and to the care and preservation of the collections belonging thereto; and the said sum is hereby appropriated for that purpose. Appropriation of $20,000.

Approved April 9, 1861.

Resolves for further distribution of a report on insects injurious to vegetation. *Chap.* 80.

Resolved, That the balance of the edition of a Report on Insects Injurious to Vegetation, reprinted in accordance with Distribution provided for.

chapter ninety-three of the resolves of the year eighteen hundred and fifty-nine, be distributed as follows:

One copy to each incorporated educational institution in this Commonwealth whose officers shall apply for the same within three months of the time of publication of said Report; one hundred copies to Professor Louis Agassiz; twenty-five copies to the legal representatives of the late Dr. T. W. Harris; twenty-five copies to the state library, for the purpose of promoting exchanges for the same; one copy to each member of the present legislature, and to each officer and reporter of the same, and the balance to the agricultural and horticultural societies, at the discretion of the secretary of the state board of agriculture, to be by them awarded in premiums or gratuities.

Secretary board of agriculture may reprint.

Resolved, That if, after the publication of the present edition, the public interest shall appear to make it expedient, the secretary of the state board of agriculture be authorized to use the plates of illustrations of said Report in the printing of one or more editions of the same, for the benefit of the heirs of the late Dr. Harris, but without any further expense to the Commonwealth. *Approved April* 9, 1861.

Chap. 81. Resolve granting taxes for the several counties.

Resolved, That the sums placed against the several counties in the following schedule, be and hereby are granted as a tax for each county respectively, to be assessed, paid, collected and applied, according to law, namely:

Barnstable—Twelve thousand five hundred dollars;
Berkshire—Twenty-six thousand dollars;
Bristol—Seventy-five thousand dollars;
Dukes—Three thousand five hundred dollars;
Essex—One hundred and twenty thousand dollars;
Franklin—Twenty thousand dollars;
Hampden—Thirty-nine thousand two hundred dollars;
Hampshire—Twenty-two thousand dollars;
Middlesex—One hundred and thirty-five thousand six hundred dollars;
Norfolk—Ninety-four thousand dollars;
Plymouth—Thirty-five thousand dollars;
Worcester—One hundred and eight thousand dollars.

Approved April 9, 1861.

Chap. 82. Resolve in favor of the Hampden County Agricultural Society.

May receive bounty.

Resolved, That for reasons set forth in the petition of the Hampden County Agricultural Society, said society is hereby

authorized to receive the annual bounty of the Commonwealth, of six hundred dollars, for the year eighteen hundred and sixty-one, and that said sum be paid to said society out of the treasury of the Commonwealth.

Approved April 9, 1861.

Resolve concerning Indian titles to land in Plymouth county. *Chap.* 83.

Resolved, That the commissioners appointed by the resolve of the legislature of this Commonwealth, on the twenty-first of May, in the year eighteen hundred and fifty-seven, upon the petition of Thomas J. Fletcher and others, be and are hereby authorized to compromise the titles and claims of the petitioners to land in the county of Plymouth; and the same commissioners are hereby authorized, in the event of the failure to settle such claims by a compromise, to direct the attorney-general, or the district-attorney, to file and prosecute, in the superior court for the county of Plymouth, an information for the recovery of the land in controversy. Commissioners authorized to compromise.

Approved April 10, 1861.

Resolve in favor of the Indians of Gay Head. *Chap.* 84.

Resolved, That there be allowed and paid out of the income of the school fund of the Commonwealth, to Leavitt Thaxter, Esquire, of Edgartown, the sum of sixty dollars, to be applied to the support of schools among the Indians of Gay Head, during the year eighteen hundred and sixty-one. Appropriation for schools authorized.

Approved April 10, 1861.

Resolve in favor of the Washingtonian Home. *Chap.* 85.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means of reforming them, the sum of five thousand dollars, in quarterly payments of twelve hundred and fifty dollars: *provided, however*, that the said directors report to the legislature in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total income and expenses of the institution, and the number of persons admitted, with the result of their treatment, so far as can be ascertained. Appropriation authorized. Proviso.

Approved April 10, 1861.

Resolve in favor of Willard A. Harrington. *Chap.* 86.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, from the appropriations of Appropriation for salary authorized.

the year eighteen hundred and sixty, for the payment of the salary of the land agent, to Willard A. Harrington, the sum of one hundred and seventy-five dollars, being the amount due him for salary as land agent from the twenty-eighth day of April, to the first day of July, in the year eighteen hundred and sixty. *Approved April* 10, 1861.

Chap. 87. Resolve concerning a modification of the plan of building upon the back bay.

Commissioners on public lands, powers and duties defined.

Resolved, That the commissioners on public lands are hereby authorized and instructed to forthwith negotiate with the Boston Water-Power Company, and with the riparian owners of territory lying west of the land of the Commonwealth and east of the cross dam adjoining the full basin, so called, for an improvement of the lands of the said section, and of the lands of the Commonwealth contiguous thereto, by the reservation of a water space therein. And for the purposes of this resolve, the said commissioners may alter or amend any indenture or contract, with the consent of all the parties to the same: *provided*, *however*, that no such alteration and no indenture or contract executed under this resolve shall be binding upon this Commonwealth, until all the provisions thereof shall be reported to and ratified by the next legislature of this Commonwealth.

Proviso.

Approved April 10, 1861.

Chap. 88. Resolve in favor of the state cabinet.

Appropriation authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of five hundred dollars, for the benefit of the state cabinet: a sufficient portion of which shall be used in placing reflectors upon the windows of the cabinet room, and the balance shall be used in replenishing the cabinet; said sum to be expended under the direction of the secretary of the board of agriculture.

Approved April 10, 1861.

Chap. 89. Resolve in favor of John Milton Earle.

Allowance for compensation authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to John Milton Earle, the sum of seven hundred and seventy-five dollars and sixty-four cents, in full compensation for his services and expenses, as commissioner under the act passed April sixth, eighteen hundred and fifty-nine, relating to the Indians of the Commonwealth. *Approved April* 10, 1861.

Resolves relating to the boundary lines between the towns of Harwich, Chatham and Orleans. *Chap.* 90.

Resolved, That a joint committee, consisting of one member of the senate and two members of the house, be appointed to investigate all matters in dispute relative to the boundary lines between the towns of Harwich, Chatham, and Orleans, where said towns adjoin, and to recommend such adjustment thereof, as to them may seem just and equitable. Joint committee to be appointed.

Resolved, That for the purposes above named, the committee shall be authorized to sit during the recess of the legislature, with full powers to examine the premises, and to send for persons and papers, if it shall be found necessary so to do; and said committee shall make a full report thereon to the next legislature: *provided*, that all expenses incurred by said committee, for personal service or otherwise, shall be paid, one-half by the Commonwealth, and the other half equally between the towns of Harwich, Chatham, and Orleans. *Approved April* 10, 1861. Powers of committee. Proviso.

Resolve in favor of the state reform school for boys. *Chap.* 91.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the state reform school for boys, the sum of one thousand dollars, for a fence to inclose a play-ground. *Approved April* 10, 1861. Play-ground, appropriation for authorized.

Resolve providing for an adjustment of certain land claims in south bay and mystic river. *Chap.* 92.

Resolved, That the commissioners on public lands be, and they are hereby authorized to inquire into, ascertain, and report to the next general court, the quantity and value of any and all lands, marshes or flats, which are included within the commissioners' lines about South Bay, in the harbor of Boston, or included between the channel and the commissioners' line established on the south-westerly side of Mystic River, belonging to proprietors other than the Commonwealth, and the extent to which the legal rights of said proprietors are, or may be affected, by the operation of the statute defining said commissioners' lines, and what compensation, if any, is due therefor. *Approved April* 10, 1861. Commissioners on public lands, powers and duties.

Resolve for the compensation of commissioners to washington. *Chap.* 93.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the commissioners on the part of Massachusetts, appointed under a resolve passed

February fifth, in the year eighteen hundred and sixty-one, to attend a convention of delegates, at Washington, the sum of thirty-five hundred dollars, as compensation in full for their services and personal expenses.

Approved April 10, 1861.

Chap. 94. Resolve in favor of John Hill.

Resolved, That for reasons set forth in the petition of John Hill, of Boston, there be allowed and paid out of the treasury of the Commonwealth, to said Hill, the sum of eighty dollars. *Approved April* 10, 1861.

Chap. 95. Resolve in favor of the Marshpee schools.

Conditional appropriation authorized for support.

Resolved, That the sum of seventy-five dollars a year be allowed and paid from the treasury of the Commonwealth, for the term of five years, commencing with the present year, to the treasurer of the district of Marshpee, for the support of the schools in that district; the same being in addition to the sums now allowed for the support of said schools, and on the condition, that the inhabitants of that district shall also appropriate and expend for the use of said schools, twenty-five dollars per annum in addition to the sum now annually paid by them for that purpose.

Approved April 10, 1861.

Chap. 96. Resolve in favor of the state almshouse, at Bridgewater.

Appropriation for additional building, and for boiler, authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the inspectors of the state almshouse at Bridgewater, for the purpose of erecting a building suitable for the accommodation of insane persons, and for the purchase of a steam-boiler, two thousand dollars.

Approved April 10, 1861.

Chap. 97. Resolve for the payment of extra messengers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for the services of extra messengers, the sum of one hundred and fourteen dollars, as follows: to Noah F. Gates, one hundred and four dollars; to William H. Wilson, ten dollars. *Approved April* 10, 1861.

Chap. 98. Resovle in favor of the establishment of an agricultural school or college.

Commissioners to be appointed to prepare plan, and report.

Resolved, That the governor, by and with the advice and consent of the council, be and he is hereby authorized to appoint three commissioners, whose duty it shall be to pre-

pare a plan for the establishment of an agricultural school or college, and report the same to the next legislature. Said commissioners shall receive no pay for their services, but their expenses, including the cost of the required plan, not to exceed two hundred dollars, shall be paid from the treasury of the Commonwealth. *Approved April* 11, 1861.

Resolve concerning the warming and ventilating of the representatives' hall. *Chap.* 99.

Resolved, That the commissioners on the state house be authorized to procure plans, specifications and proposals for the better warming and ventilation of the representatives' hall; all plans, specifications and proposals received, shall be submitted by said commissioners to the next general court: *provided, however*, that the expense thereof shall not exceed the sum of one hundred dollars.

Commissioners on state house to secure proposals, and submit same to legislature.

Proviso.

Approved April 11, 1861.

Resolve in favor of Tristram Mayhew, for the benefit of the Gay Head Indians. *Chap.* 100

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Tristram Mayhew, the sum of fifty dollars, for the purpose of supplying such books and stationery, as are necessary for the use of the scholars who attend the school of the Gay Head Indians.

Appropriation for school authorized.

Approved April 11, 1861.

Resolve in aid of the state industrial school for girls, and the several state almshouses. *Chap.* 101

Resolved, That the trustees of the state industrial school for girls, be authorized to use from the unexpended appropriation for current expenses of the present year, the sum of fifteen hundred dollars for fitting up and furnishing the Stewart House. The inspectors of the three state almshouses are also authorized to use from any unexpended appropriations made for the current expenses of these institutions for the present year, the following sums for the following purposes: At the Bridgewater almshouse, one thousand dollars for laying new floors; at the Monson almshouse, the sum of one thousand dollars, for laying new floors and painting buildings; at the Tewksbury almshouse, six hundred dollars, for building a pest house.

Unexpended appropriations, use of defined.

Approved April 11, 1861.

Chap. 102 Resolves concerning the recognition of the independence of the republic of hayti.

Senators and representatives of United States to favor.

Resolved, That our senators in congress be instructed, and our representatives be requested, to exert their influence to secure the recognition of the independence of the Republic of Hayti, by the government of the United States.

Resolved, That his excellency the governor be requested to transmit a copy of these resolves to each of our senators and representatives in congress. *Approved April* 11, 1861.

Chap. 103 Resolve making an appropriation for the expense of running the line between massachusetts and rhode island.

Resolved, That a sum not exceeding two thousand dollars be, and the same hereby is appropriated from the treasury of the Commonwealth, to defray the expenses of running the line between Massachusetts and Rhode Island, making the plans, and setting monuments along the boundary line, from Burnt Swamp Corner to the other terminus thereof in Tiverton, Rhode Island, so as to comply with the order of the supreme court of the United States, in the premises. *Approved April* 11, 1861.

Chap. 104 Resolve concerning the distribution of the report of john milton earle, commissioner.

Secretary to furnish as designated.

Resolved, That the secretary of the Commonwealth be directed to furnish copies of the report of John Milton Earle, commissioner, appointed under the act of April sixth, in the year eighteen hundred and fifty-nine, concerning the Indians of the Commonwealth, to the following persons for distribution among the several tribes of Indians, as follows:

Barnard C. Marchant, of Edgartown, guardian of the Chappequiddic and Christiantown Indians, ten copies; Benjamin F. Winslow, of Fall River, guardian of the Troy Indians, five copies; Asher Joslin, of Webster, guardian of the Dudley Indians, five copies; Charles Endicott, of Canton, guardian of the Punkapog Indians, five copies; Henry Chapin, of Worcester, guardian of the Hassanamisco Indians, ten copies; Charles Marston, of Barnstable, treasurer of the Marshpee District and Herring Pond Plantation, twenty-five copies; Tristram Mayhew, of Chilmark, for the Gay Head Indians, ten copies; the town clerk of the town of Dartmouth, for the Dartmouth Indians, ten copies; the town clerk of the town of Yarmouth, for the Yarmouth Indians, ten copies; and one copy to the town clerk of each of the following towns: Edgartown, Westport, Canton, Barnstable,

Wareham, Douglas, Tisbury, Chilmark, Nantucket, Plymouth, Sandwich, Natick, Dedham, Abington, Cambridge, Bellingham, Randolph, Mendon, Stoughton, Pawtucket, Swanzey, Holden, Framingham, Grafton, Gardner, Northampton, Dudley, Webster, Warren, Pembroke, Barre, Oxford, Needham, Holland, West Brookfield.

Approved April 11, 1861.

Resolve concerning the warming and ventilating of the senate chamber and committee rooms in the state house. *Chap.* 105

Resolved, That the commisioners on the state house be authorized to procure plans, specifications and proposals for the better warming and ventilation of the senate chamber, committee rooms and other parts of the state house. All plans, specifications and proposals received, shall be submitted by said commissioners to the next general court: *provided*, *however*, that the expense thereof shall not exceed the sum of one hundred dollars. *Approved April* 11, 1861.

Commissioners on state house to procure plans and submit to legislature.

Proviso.

☞ The General Court of 1861 during its annual session, passed 208 Acts and 105 Resolves which received the approval of the Governor. In addition to these, four Acts entitled respectively "An Act granting leave to the First Congregational Society in Woburn to use Ministerial Fund," "An Act to incorporate the Benjamin Franklin Protective Life Insurance Company," "An Act concerning the Eastern Avenue Corporation," and "An Act concerning Exceptions in Capital Cases," were laid before the Governor for his approval and were returned by him, unapproved, together with a statement of his objections, to the branches in which they originated. The first and third of said Acts, were laid upon the table by unanimous votes, and new bills framed to obviate the objections alleged by the Governor, were introduced, passed, and approved by him. The second and fourth of said unapproved Acts, being placed upon their final passage, in the manner provided by the Constitution, notwithstanding the objections of the Governor, and a majority of the Senate and two-thirds of the members of the House of Representatives failing to "agree to pass the same," were declared lost.

ACTS OF 1861 CLASSIFIED.

General Statutes, or Acts of a public character, . . .	108
Special Acts, relating to individuals and corporations, . .	100—208

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN A. ANDREW.

At one o'clock on the fifth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

Gentlemen of the Senate and
House of Representatives:

The responsible positions to which we have been respectively called by the suffrages of the people of Massachusetts, demand of us a pause, on the threshold of the year, for a brief survey of the field of our labors and a summary review of the duties before us.

Surrounded by all the evidences of plenty gathered from the workshop, the mart, the field and the fold; representing a people prospered in all the undertakings of industry, and graciously defended during the year which has closed, against wasting disease or public calamity, we ought with grateful hearts to pay our vows of obedience to the Great Lawgiver of the Universe, and to adore His bountiful goodness.

And whatever shadows may cloud for the time our National horizon, walking in the faith which becomes men, —rational, immortal and believing, who perceive in difficulties only obstacles to be overcome,—let us meet the duties

and, if need be, the dangers of the future, with lofty and triumphant cheer.

In a spirit and with the purpose of justice towards all other peoples and States, our immediate and official obligations are mainly due to that ancient and beloved Commonwealth, in whose service we are assembled.

I have obtained from the Treasury Department, and herewith present to the Legislature, the following Financial Statement of the Commonwealth of Massachusetts, up to December 24th, 1860:

Liabilities on account of Railroad Corporations.

Western Railroad Corporation, . . .	$3,999,555 56	
Eastern Railroad Corporation, . . .	500,000 00	
Norwich Railroad Corporation, . . .	400,000 00	
Southern Vermont Railroad Corporation, .	200,000 00	
Troy & Greenfield Railroad Corporation, .	427,572 00	
		$5,526,127 56

Funded Debt.

Lun. Hosp. Scrip,	1852, due	1865,	$100,000 00		
" " "	1853, "	1865,	70,000 00		
" " "	1854, "	1874,	94,000 00		
				$264,000 00	
St. Almshouse "	1852, "	1872,	$100,000 00		
" " "	1853, "	1873,	60,000 00		
" " "	1854, "	1874,	50,000 00		
				210,000 00	
State House "	1853, "	1873,	$65,000 00		
" " "	1854, "	1874,	100,000 00		
				165,000 00	
Six per cent, "	1856, "	1862,	$100,000 00		
" " "	1856, "	1864,	100,000 00		
" " "	1856, "	1866,	100,000 00		
				300,000 00	
Lun. Hosp. "	1857, "	1868,	$150,000 00		
" " "	1857, "	1877,	50,000 00		
				200,000 00	
Con. Stats. "	1860, "	1870,	$150,000 00		
				150,000 00	
					1,289,000 00
					$6,815,127 86
Temp'ry Loans due Jan. 1, 1860,			$246,429 77		
Reduc'd by issue of Scrip, 1860,			150,000 00		
				$96,429 77	
Estimated Deficit for 1860, ...				170,000 00	
					266,429 77
					$7,081,557 33

For the liabilities and debts before stated, provision has been made by law, as follows:—

Liabilities on account of Railroad Corporations.

Mortgage W. R. R. Co.'s entire property,	$3,999,555 56	
Sinking Fund, W. R., amounting to	1,600,000 00	
Mortgage E. R. R. Co.'s entire property,	500,000 00	
Mortgage N. and W. R. R. Co.'s "	400,000 00	
Sinking Fund, N. and W. R. R., amounting to	66,000 00	
Troy and Greenfield R. R. entire property,	427,572 00	
Sinking Fund, T. and G. R. R., amounting to	20,000 00	
Southern Vt. R. R. Co.'s entire property,	200,000 00	
		$7,213,127 56

For Funded Debt.

Debt Ext'm't Fund, 7,056 W. R. R. St'k, par,	$705,600 00	
Present value premium 10 per cent.,	70,560 00	
W. R. R. Stock Fund, balance of securities,	115,500 00	
	$891,660 00	
Less amount advanced on these securities,	46,000 00	
	$845,660 00	
Back Bay Lands Fund appropriated,	300,000 00	
Almshouse Sinking Fund,	53,548 00	
		1,199,208 00
		$8,412,335 56
Payments for 1860 amount to about	$1,185,000 00	
Receipts for 1860 amount to about	1,015,000 00	
Deficit,	$170,000 00	

This deficit arises in part from the following extraordinary payments, to wit:—

Extra Session and Cattle destroyed,	$52,000 00
Consolidation Statutes,	21,000 00
State Reform School for Boys,	27,000 00
Nautical Branch,	16,000 00
Wesleyan Academy,	22,000 00
Valuation Committee,	15,000 00
Repairs on State House,	10,000 00
State Prison,	7,000 00
Total deficit,	$170,000 00

The expenses of the ensuing year, estimated, will be considerably less than the present, and unless some extraordinary emergency arises, the revenue will more nearly equal the expenditures.

Expeditures for 1861, estimate,	$870,000 00
Revenue, including unpaid tax 1860,	760,000 00
Deficit, 1861,	$110,000 00
Deficit of previous years,	267,000 00
To be provided for by tax or otherwise,	$377,000 00

The fiscal year closes on the 31st of December, and therefore the statements given are only an approximation to the actual results, which may vary somewhat the above.

THE VALUATION OF THE COMMONWEALTH.

The legislative committee appointed to compute the valuation of the Commonwealth as a basis for state taxation during the next ten years, has recently concluded its labors after a session which was protracted to a length of more than a hundred days, beginning September 5th, 1860, and ending January 1st, 1861, at a cost of $13,191.50, for the pay of its members, and $6,322, for its contingent expenses. The aggregate valuation of taxable property is computed at the sum of $897,795,326, which is $299,858,330 more than the state valuation of 1850, exhibiting an increase of about fifty per cent. in the wealth of the State during the last ten years. When it is remembered that considerable sums (in the hands especially of small property holders, of which deposits in savings banks not exceeding $500 each, may be taken as an illustration,) have been omitted from the assessment, the result discloses that the wealth of the people of Massachusetts averages not less than $750 to each inhabitant, irrespective of age or sex. The proportionate distribution of this wealth among the people is illustrated by the fact that the amount of deposits in the savings institutions of the Commonwealth on the fourth Saturday of October last, as shown by the annual report of the bank commissioners, was $45,054,235, although these institutions are prohibited by statute from holding at the same time more than $1,000 of one depositor, other than a religious or charitable corporation: and these deposits represent only a fraction of the savings from the daily industry of the working classes. The policy of encouraging families to become land-owners, by exempting their homesteads to the value of $800 from seizure on execution, has helped to preserve their accumulations; and the numerous modes in which small savings are invested by private loans and friendly accommodation, help largely to increase and to preserve their aggregate.

The industrial statistics of the Commonwealth are compiled but once in ten years. The last compilation was in 1855, when it appeared that the annual production from the industry of Massachusetts amounted to $295,820,681, which was an increase of 138 per cent. over the amount exhibited by the last previous compilation; nor can it be doubted that the productive capacity of our people since 1855 has kept

pace with the gratifying increase of their capital. A Commonwealth of 1,231,535 persons, on an area of only 7,800 square miles, with a property of nearly $900,000,000, whose people are all free, and whose poorest child may be educated in the free schools of the State, is a noble monument of the triumphs of intelligence and liberty.

In this connection I respectfully recommend to the general court to provide some less expensive and cumbrous method for ascertaining the valuation of the state, than that which has hitherto been pursued. The details of a more economical and efficient plan will be suggested if it shall be deemed desirable.

MILITIA.

The whole number of our enrolled militia for the year 1860, (from which, of course, is excluded firemen and other exempts,) was 155,389 men. The active militia, uniformed, armed and equipped, drilled and organized, ready for active service on call,—including its various arms of infantry, cavalry and artillery, numbered 5,592. In respect to good conduct, discipline, spirit and capacity proportioned to its numerical force, I am advised that our active citizen soldiery was never in a condition of greater efficiency.

But, I venture the inquiry, whether, in addition thereto, the dormant militia, or some considerable portion of it, (now simply enrolled and not organized nor subject to drill,) ought not, in conformity with the theory of the institution itself, to be placed on a footing of activity. For how otherwise, in the possible contingencies of the future, can we be sure that Massachusetts has taken care to preserve the manly self-reliance of the citizens, by which alone, in the long run, can the creation of standing armies be averted, and the State also be ready, without inconvenient delay, to contribute her share of force in any exigency of public danger?

AGRICULTURE.

The agricultural interests of the Commonwealth have, in the main, been exceedingly prosperous during the past year, notwithstanding the presence, in the spring, of that disease among neat-stock which it was feared by many would prove unmanageable and disastrous. I am advised that the amount drawn on account of the commissioners appointed to exterminate that disease, is $29,259.33, and that the amount actually paid or to be paid on that account, will exceed $30,000, without including the expenses of the extra session of the legislature called to consider the disorder, which amounted to $20,650.

All the farm-crops during the season have been fully up to the average production of preceding years; and some of them, such as fruits, wheat, barley, and oats, have yielded far more than was ever before known in the Commonwealth. Attention to sheep husbandry is now on the increase, by reason of the protection which has been afforded to it by judicious legislation; and the importance of this branch of farming to the various interests of New England, can hardly be overestimated. The encouragement extended by the legislature to the formation of Farmers' Clubs throughout the State has had the desired effect, and the number of these associations has rapidly increased.

In respect to agricultural literature, the State Board of Agriculture have in preparation a manual of agriculture for use in schools, and it is hoped that additional elementary instruction in matters connected with the daily experience of our country youth, may increase public interest in this great source of our material prosperity. The progress made in the revision of Mr. Harris's Treatise concerning Insects Injurious to Vegetation, has been very satisfactory, and that valuable work will be issued during the coming year in a manner which will be creditable to the Commonwealth. An edition of 2,500 copies was ordered by statute in 1859, but only partial provision was made for the distribution of them. About 1,000 copies will remain at the disposal of the present or of some subsequent legislature, and I respectfully suggest that a proper number shall be placed, for distribution, with Professor Agassiz, who has gratuitously rendered essential service in the revision of the work.

BANKS AND BANKING.

In view of the recent financial perturbation, the subject of banks and banking will undoubtedly attract your attention. No one can pretend that our system of banking is perfect, while very few will deny that the currency of New England, and especially of Massachusetts, is as safe and convenient as that of any other section of the country. Our present system is the result of long experience, and I trust that no radical change will be attempted with respect to any of its features, without mature consideration. Under existing circumstances, I deem a conservative course of legislation in this respect to be best for the Commonwealth, and that we should be cautious about encouraging any new theories of banking concerning which the public mind is divided, without requiring the subject to be thoroughly investigated by a committee appointed for that purpose, in the manner customary in the

British parliament. As it is the duty of government to throw every safeguard around the person of every inhabitant of the State, so it is also its duty to protect all property, whether it be individual or corporate. So long as the banks are conducted in good faith towards the people, so long should they be sustained under their charters. It is common to charge the banks with responsibility for our financial difficulties, and it is doubtless true that they have more or less to do with them; but financial troubles and panics are by no means peculiar to this country. They have occurred from time to time in all civilized communities where business is done on credit, being sometimes created by a single cause, and at others by a combination of circumstances, while at still others it is difficult to trace them to any definite source. Their occurrence cannot be prevented by legislation, for no legislation can invariably anticipate the future and provide against all its contingencies. The remedy is to be found in less speculation, more limited credits, greater caution, and a more thorough study of the laws of trade, and adherence to its established principles; and above all, in the diffusion of such a sentiment of patriotism as shall never justify a doubt of the stability of our institutions.

The privileges of the general banking law have not been embraced in the country towns; but in Boston several banks have been organized under its authority, and a large amount of banking capital thereby created. If you think that the increase of corporations thus organized may become too rapid, the power to organize them could be suspended for a season, leaving the law, in other respects, in force; and if you think that the whole law should be repealed, charters might be granted to the banks already organized under it, if they are willing to accept them.

The able report of the Bank Commissioners will be placed in your hands, and I commend to your attention its statistics and suggestions, especially concerning an increase of specie in the vaults of the banks. But it may be well to inquire whether any arbitrary or mechanical rule in this respect, can ever be successfully applied to a matter so delicate as a mixed currency, in its relation to the business of our community, involved as it is with that of the whole commercial world, and sustained upon a universal system of credit. To require only that moderate quantity of specie to be held by the banks which is supposed to be safe for the ordinary course of business, seems plainly inadequate, for in moments of unforeseen and sudden panic or disaster the banks thereby become powerless, and the system fails. But

supposing that an amount of specie twice as large as that deemed absolutely necessary in ordinary times, were required to be maintained, might not the use of *a portion* of the specie so accumulated, be permitted at the discretion of some branch of the government, for the purpose of meeting temporary exigencies requiring such relief? Many examples of the wisdom of such a course, and tests of its safety, have occurred both in England and in France. One of the most striking illustrations of the benefits of a flexibility of the banking laws in this particular, by lodging a discretionary power somewhere, to accommodate artificial rules to the exigencies of a life so mercurial as that of commerce, was afforded in Great Britain three years ago. A panic was then at its height, and a crisis was imminent. The Bank of England was forbidden to issue notes of a denomination less than five pounds. But at this moment the government removed the restriction temporarily, and the bank proceeded to issue several millions in one pound notes. Specie immediately flowed into its vaults, the small notes taking the place of metallic currency among the population; and the result was immediate and permanent relief. This circumstance also illustrated the usefulness of generally restricting the issue of small bank-notes.

THE USURY LAWS.

In this connection I wish to call your attention to the propriety of making some change in our usury laws. In the year 1818, a very able committee appointed by the British House of Commons, made an elaborate report, recommending a modification of the usury laws. But so strongly were the people opposed to the measure, that more than twenty years elapsed before any favorable action to that end was adopted. At last in 1839, a law was enacted by Parliament exempting bills of exchange and promissory notes not having more than twelve months to run, from the operation of these laws; and for twenty-one years this enactment has been satisfactory to the British public. Might not a similar statute prove equally useful and popular in this Commonwealth, tend to retain capital at home, and prove in the end a great relief to borrowers of money? Such a change in our legislation respecting usury could hardly be called an experiment, when in making it we should follow the cautious example of England after its long and satisfactory experience by a people who so much resemble ourselves.

MUTUAL INSURANCE COMPANIES.

The principle of mutual insurance is one which should be preserved and cherished, but the methods and operation of the institutions for mutual insurance cannot be too cautiously inspected. Those institutions solicit and receive the confidence of many thousands of people who trust in them to the extent of many millions of dollars, for indemnity against loss by the perils of fire; and these people rely upon the quality of the charters which you grant, and upon the efficiency of your legislation in this regard. I respectfully invite your attention to existing defects in the method of laying and collecting assessments by these institutions, and to the need of providing efficient means to compel the imposition and levy of assessments when they become necessary for payment of losses. The subject of exercising control over the form of the policies issued by these companies, also deserves consideration, for they are often burdened with conditions so numerous and intricate that intelligent and careful business men are misled by their terms, so that having supposed themselves effectually insured, they awake to a knowledge of their mistake only after a remedy has become impossible.

PUBLIC CHARITABLE INSTITUTIONS.

The reports of the Board of Education and from the various public institutions and commissions established for charity to the poor, for the relief and cure of the diseased, and for the correction and reform of criminals, will present in detail the educational, charitable, sanitary and penal statistics of the Commonwealth. They concern matters which demand and shall receive the diligent supervision of the Executive Department throughout the year.

The obligation of a government to protect the persons and property of its subjects, enjoins the duty of taking care of those who are unable to take care of themselves. The child should be taught, the insane should be guarded, the deaf, the dumb, and the blind should be cared for, and the idiot should be remembered and protected. I commend to your especial care all our benevolent institutions, and I should be glad if the list could be enlarged by adding one for the cure of inebriates.

CAPITAL PUNISHMENT.

The punishment of offenders is perhaps the gravest responsibility of civilized society, and in modern times the utmost attention of the sincerest thinkers and observers has

been bestowed upon the philosophy and the phenomena of crime. In order that the laws may be both just and humane, it is necessary that detection and punishment shall be speedy and sure, and also that prevention and reform shall be secured in the largest measure. The progress of civilization steadily diminishes crimes of violence, and also steadily discourages punishments of a violent, cruel, or sanguinary character. The infliction of the penalty of death as a punishment for crime will one day be discontinued among civilized men. Already, philosophers, jurists, and statesmen, in large numbers, possessed of the most comprehensive experience of human affairs, and clothed with the highest authority, have pronounced against it; and it will initiate a new era in the progress of Massachusetts when she shall conform her penal legislation to the most enlightened principles of criminal jurisprudence, and consult her truest safety by its abolition. Whenever that event shall occur, whether as a private citizen, or in a public capacity, I shall respect the intelligence and assent to the policy by which it will be accomplished.

PRACTICAL SCIENTIFIC INSTITUTIONS.

The wise foresight which has secured such large provision for the education of the children of the Commonwealth, enjoins us to use all reasonable means to promote the spread of useful knowledge, and especially to facilitate such practical scientific instruction as shall elevate while it invigorates the industrial arts.

A favorable opportunity is now afforded to advance this desirable object by setting apart a suitable portion of the Back Bay lands for the accommodation and collocation of institutions devoted to practical branches of art and science. In this connection, the views and wishes of the Boston Society of Natural History, the Massachusetts Horticultural Society, and the Institute of Technology have already to some extent been presented to the legislature, and will, it is understood, be submitted to you during your present session, in detail. The valuable contributions which the two first named societies have rendered, the enlarged sphere of usefulness which under these new conditions they would be enabled to fill, and the material benefits which the proposed Institute of Technology is adapted to confer, are considerations which commend the purposes of the petitioners to the favorable attention of all friends of education and industry, and will, I doubt not, receive at your hands such liberal appreciation as they deserve.

BOSTON HARBOR AND BACK BAY.

The preservation of the harbor of Boston against deterioration, is a subject of grave concern; and I trust that any measures which may be proposed to you, possibly affecting it, will be vigilantly scrutinized. I would also call attention to the question whether any method can be devised in the present state of the work of filling the Back Bay, to secure to the public health the benefits contemplated by the reservation of a full basin, agreeably to a memorial of Hon. Josiah Quincy, Senior, and other citizens, to the last legislature, which stands referred to the present one.

MARRIAGE AND DIVORCE.

While considering the personal interests of the people of the Commonwealth, I cannot persuade myself that I shall have performed my duty until I have invoked your consideration of an anomaly in our law, by which, under the operation of the process of divorce, society creates husbands who have no wives, and wives who have no husbands. This anomaly originated many ages ago, in certain ecclesiastical theories concerning the institution of marriage, and was devised by the ecclesiastics themselves. In our own age, the theory upon which the law enforces the celibacy of a divorced husband or wife, is that of punishment for the offence which was the occasion of the divorce. But this offence, so far as it relates to the injured party to the marriage, is punished by the dissolution of that relation upon the petition of that very party, and by the decree of alimony, or other pecuniary advantages, as the statutes may determine; and so far as it relates to society, it ought to be punishable solely by means of criminal process maintained by the public prosecutor in conformity with the criminal laws. Thus only can each case receive its appropriate and proportionate punishment, according to its peculiar circumstances, and thus only can the accused be insured the benefit of a trial for his alleged crime, such as shall be in accordance with the principles of our criminal jurisprudence. Now, upon the hearing of a libel for divorce, before a single judge, the party seeking the divorce is entitled for his or her relief, to certain inferences of guilt from circumstances from which a jury, in many cases, would not and ought not to draw such inferences, were the controversy between the government and the accused, and not between a husband and a wife. Thus a party is sometimes practically sentenced to celibacy so long as he shall remain a citizen of Massachusetts, as a punishment for a crime for which he was never

tried nor indicted, and of which in truth and fact he may not have been guilty, although a divorce was properly decreed against him according to the rules of the ecclesiastical law. And whether morality is promoted by prohibiting the formation of new domestic relations, and thereby withholding the opportunity for fidelity in the future in order to punish infidelity in the past, is a question much debated in the gravest and most thoughtful minds; but long reflection has satisfied me that it is expedient at least to lodge in some tribunal the power to mitigate the hardships of the law, according to the circumstances of each case, whatever may have been the cause of the dissolution of the marriage.

THE CAPE COD CANAL.

The surveys ordered by the last legislature for a ship canal between Barnstable and Buzzard's Bay are in progress under the care of the joint committee which was charged with their direction. Statistics have been collected which exhibit the dangers incident to the navigation around Cape Cod, and demonstrate the commercial advantages to be derived from the contemplated canal. A topographical chart of the proposed route, and hydrographical charts of its termini, have been completed at a moderate expense, by officers of the National Coast Survey, assisted by the advice of the United States Commissioners on Boston Harbor. Engineers are now engaged in locating the line of the canal upon this route, and preparing for sectional surveys, and making plans and estimates for the entire work. The appropriation made at the last session for these objects has been exhausted, and an additional grant is needed to cover the expense of past as well as to provide for future services. The design of this canal having been entertained by the State as well as by the Federal government at intervals ever since 1776, there seems to be a propriety in completing at the present time this examination into the feasibility of the proposed undertaking, in order to act intelligently upon a question which has claimed so large a share of public attention. The joint committee will report to the legislature at an early day the results of their labor, so far as they are ascertained. The report which was ordered by the last legislature, has been delayed, by reason of the impossibility of completing the surveys in season to comply with the terms of that order.

THE PROVINCIAL STATUTES.

I earnestly recommend the collection and publication under the patronage of the Commonwealth, of the statutes

enacted between the time of the union of the two colonies of Plymouth and Massachusetts Bay under the Charter of William and Mary in 1691, and that of the adoption of the Constitution of 1780. Not more than a moiety of these Provincial Laws are to be found among the accumulations of the State Library; but the zeal and intelligent industry of one gentleman of the bar, has enabled him, after years of careful search, to complete a collection of them. They are of inestimable value on account of their historical interest, their usefulness in throwing light upon subsequent legislation, and the assistance which they afford in the determination of many important questions mooted by the profession and the courts. An edition of 2,500 copies, in two octavo volumes, can be published at a cost of not more than $10,000, including the expense of editing the work.

THE TWO YEARS AMENDMENT.

I beg leave to ask the legislature to consider the propriety of initiating the appropriate measure for enabling the people to pass once more upon the subject of the limitation of the exercise of the right of suffrage by citizens of foreign birth. The amendment of the Constitution by which that limitation was imposed, was voted upon at a time specially assigned for that purpose, and not at any regular or usual meeting of the towns, or any day of election. The vote was so small as to afford no safe indication of the will of the people, and I am convinced that the result does not agree with their opinion.

The whole number of votes cast was only 36,517; while a full vote is about 180,000.

This amendment has been thought by some to be needful to preserve the purity of elections by preventing frauds upon our system of registration. But it is to be remembered that the person naturalized cannot vote, (any more than a native born citizen)—unless he shall have "resided within the state one year, and within the city or town, in which he claims the right to vote, six months next preceding any election." This precludes the sudden influx of strangers; and when any person desires his name to be placed on the list of voters, the mayor and aldermen, or selectmen, require the proper proof of the residence of the party, of his naturalization and the payment of his tax, and of his other qualifications.

I suggest that there should also be required by statute a residence within any Congressional district in which a right to vote may be claimed, for six months next preceding the

election. This measure stands upon the same grounds of propriety which require such residence in the city or town, and would prevent the possible effort to defeat the will of the majority of *bona fide* inhabitants of a Congressional district, by the colonization of voters from another district, in a case where some of the wards of a city lie in one district and the remaining wards in another.

THE GENERAL STATUTES.

I respectfully suggest to the legislature the propriety of refraining from alterations of the General Statutes of the Commonwealth, not clearly requisite in order to repair accidental errors or omissions, or to conform legislation to new wants, or to reform abuses.

The General Statutes as recently revised, have been less than one year in operation. The revision received more or less attention from several successive legislatures. It was the work of eminent Commissioners, which they constructed with critical, intelligent and laborious care and learning. Their report was submitted to a numerous joint committee of both branches of the legislature of 1859. This committee sat for one hundred and nine days in reëxamination of the work, and its final report was, in turn, made to the legislature convened in special session for the single purpose of its consideration. This session, commencing September 7th, closed December 28th, and the labors of the commissioners and the committee were subjected to a minute, independent and thorough criticism, never surpassed under similar circumstances. Finally, the governor of the Commonwealth, in the exercise of his duty of original re-examination preparatory to the expression of approval or dissent, discovered a single instance of possible conflict between these statutes and the laws of Congress. This consisted in the omission of a word from one of the chapters, which led him to apprehend a want of conformity between that chapter and a certain provision of the Federal law touching the organization of the militia. With conscientious zeal he invoked the opinion of the attorney-general and of the judges of the supreme court upon the question. Their reply confirmed his objections, and he returned to the legislature the whole body of the Revised Statutes unapproved in consequence of the omission. The legislature restored the omitted word, and the unhesitating bestowal of the executive sanction then conferred upon the work the authority of law.

I mention this to illustrate the minute fidelity with which the revision was accomplished. Able hands conducted the

enterprise; vigilant eyes watched and criticised it at every step of its progress; and the most eminent lawyers and statesmen of the party in opposition, were members of the committee, and sat in the legislature by which it was at last perfected. Printed copies of the Report of the Commissioners were profusely distributed among lawyers and jurists, whose aid was invoked for the discovery of errors, or inaccuracies of any kind. The intelligence, learning, good faith, and patriotism of the entire legal mind of the Commonwealth was thus directed to the labor.

A large measure of respect is due to a body of law prepared with a care so elaborately exhaustive of all possible means of accuracy. And I think that it is due to truth and to the merits of the work to declare that in my humble judgment such respect will be amply justified by the experience of the future.

THE PROVISIONS OF THE STATUTES CONCERNING PERSONAL LIBERTY.

I cannot, however, forget at this moment some recent impeachments of our legislation providing safeguards for personal liberty; but it is impossible for me to compress within the restricted space allowable for the purpose, a review of the objections alleged against that legislation, or even of the reasons by which it commends itself to good citizens who believe in its propriety. The subject opens too broad a field of juridical inquiry and erudition to be mapped out on this occasion. But I think that if it could be remembered that the liberties of white men and of their children are involved in its consideration, and if it could be forgotten, in the discussion, that people of color have an existence, some advance would thereby be made towards clearing a vision now too easily beclouded, touching all matters which concern the African race.

The governments of the United States and of this Commonwealth have co-ordinate jurisdiction, each within its own sphere, over the same territory. When either, by its appropriate officers, has obtained actual and lawful custody of a person or of property, for the purpose of legal inquiry into the title to the property, or the right to hold the person, or in order to try that person for crime, the person or the property, until that investigation shall be completed, is withdrawn from the exercise of the corresponding jurisdiction of the other government. This is implied from the very co-existence of the two governments in federal relationship, and it is rarely expressed in the statutes of either,

although it applies with equal force to both. It does not depend upon any supremacy or preference of the one government over the other, but upon the naked question which of them first acquires jurisdiction of the subject matter to be determined.

The application of this principle to the provisions of the General Statutes of Massachusetts concerning the writ of *habeas corpus*, relieves them from all constitutional objection. Although our statutes in terms require this writ in all cases except of imprisonment or restraint by a sheriff or similar officer of the Commonwealth, to be addressed to the sheriffs and their deputies, (as being the appropriate officers to execute the process of the Commonwealth,) and to direct them to take the body of the person alleged to be restrained of his liberty, as well as to summon the person who is alleged to restrain him; yet if the person so restrained is held by a marshal of the United States by virtue of a lawful warrant from a judge or other authorized officer of the United States, for the purpose of conducting any legal inquiry, he cannot be taken out of the custody of the United States until the hearing upon that question has been finished and the result declared. The most that can be done is to summon the marshal to appear and show the cause of the restraint; and this summons the marshal is bound by his duty as a citizen and a subject of the State, to obey. If he shows a process issued by lawful authority, valid to hold his prisoner, the State court cannot take the prisoner from his custody for the purpose of a further exercise of its jurisdiction. But if the process, being produced, proves to be invalid or insufficient for the purpose for which it is proposed to be used, or if an alleged fugitive is not in the custody of an officer of the United States, but in that of a private person, there is nothing in the constitution or laws of the United States to prevent the trial by the State courts upon *habeas corpus*, or other appropriate process, of the right of restraint alleged; and in such cases the modes of proceeding and rules of evidence are to be determined by the constitution and laws of the State.

By the Massachusetts Declaration of Rights, "each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws," and "every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries and wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely,

and without any denial; promptly, and without delay, conformably to the laws." The legislature, in conformity to the spirit of the Constitution, and knowing that obscure and friendless inhabitants of the Commonwealth are most in danger of being unlawfully deprived of their freedom, have taken measures to secure to every person seized or in danger of being seized as a fugitive from service, a fair and impartial trial; and have also imposed an adequate punishment upon any one who shall undertake to remove from the State any person in the peace thereof and not a fugitive from his service, "*on the pretence*" that he is such a fugitive, "or with the intent to subject him" to slavery. By the well-settled principles of the criminal law and the ordinary rules of construction of penal statutes, the unlawful intent must concur with the unlawful act in order to subject any individual to the penalties of this statute.

In 1842 the supreme court of the United States in the case of Prigg *vs.* The Commonwealth of Pennsylvania, declared that "every State is perfectly competent and has the exclusive right to prescribe the remedies in its own judicial tribunals, to limit the time as well as the mode of redress, and to deny jurisdiction over cases *which its own policy and its own institutions either prohibit* OR DISCOUNTENANCE." And again the court in the same case says, that "the States cannot be compelled to enforce them, [i. e. the provisions for the surrender of fugitives from labor,] and it might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the States are bound to provide means to carry into effect the duties of the national government, nowhere delegated or intrusted to them by the Constitution." And again the court says in allusion to the powers conferred upon State magistrates by the fugitive act of 1793, that as to the authority "conferred upon State magistrates, while a difference of opinion has existed and may exist still on the point in different States, whether State magistrates are bound to act under it, none is entertained by this court that State magistrates may, if they choose exercise that authority, *unless prohibited by State legislation.*"

This decision not only frees the individual States from all action in the matter, but also expressly recognizes the power of the States to prohibit action by their officers under the acts of congress. Accordingly this Commonwealth soon afterwards, in 1843, enacted the statute popularly known as the "Latimer law," and made it penal for any of its officers to aid in the capture or detention of a person claimed as a fugitive from service; and in 1855 it enlarged its legislation

upon this subject, by the addition of more comprehensive and stringent provisions, framed in the same spirit and for the same purpose. But in 1858, in order to prevent any confusion or uncertainty in the minds of the militia, which might arise from the idea of a divided duty, it imposed the responsibility for violations of these statutes by the militia, solely upon their commanding officers, by providing that their prohibitions and penalties shall "not apply to any act of military obedience and subordination performed by an officer or private of the militia." The prohibitions thus addressed to the civil and military servants of the Commonwealth, of course do not and cannot apply to them in their private capacity as citizens of the United States.

It is certain that the legislation of Massachusetts is intended to be constitutional; and I am bound to declare my belief that it has proceeded upon principles of the strictest constitutionality. If, however, any party to any legal proceeding shall deem himself aggrieved by any thing found written in our statutes, we are consoled by the knowledge that he has access to judicial tribunals which will bestow most intelligent and conscientious attention to his complaint. Whatever legal truth the judicial mind may perceive in this or in any other regard, will be declared, because the judiciary exists not to make the law but to expound it.

There can be no doubt that the first and most sacred duty of government is to protect the lives and liberties of subjects. I believe that every person who is *prima facie* free, being in possession of his liberty and claiming title thereto, that every parent being in possession of his child, or guardian having custody of his minor ward, has a right to a judicial vindication of his rights in that regard, whenever and wherever they are practically drawn in question. And I do not think that a certificate issued to authorize a person from California to seize and carry away, as and for his fugitive apprentice, the child of a white inhabitant of Massachusetts, (which certificate may under the Fugitive Act of 1850, be issued without any previous notice to or hearing of the child or his parent,) can bar the right of such child or parent to a determination by a competent tribunal, of the right of the child to be retained in this community, from which perhaps he may never have departed since the hour of his birth. So, too, I deny that a certificate so issued to a person from Massachusetts, authorizing him to seize and carry away, as and for his fugitive apprentice, the slave of an inhabitant of Georgia, (which certificate may under the Fugitive Act of 1850 be issued without any previous notice to the master,)

can bar the right of such master to a determination by a competent tribunal, of his right to retain his slave under the local law of Georgia. And the trial may in either case be had in any competent forum within the jurisdiction where the person may thus be seized. The Constitution of the United States, while it provides for the surrender of persons *charged* with crime who have fled from one State into another, nevertheless, when it speaks of fugitives from labor, expressly restricts the authority to surrender, to the instances of those only who *were* held to service or labor and who *did* flee. And the right of a person to reclaim an alleged fugitive from his service must always be subordinate to the original, prior, indefeasible right of every freeman to his liberty,—to its preservation, to its instant and constant assertion, and to all the defences of it which pertain to the institutions of the common law. The proceedings under the Fugitive Act of 1850 are not judicial, and they are not adapted to determine the questions of right which arise whenever a free man or the wrong man is innocently seized, or recourse is had to the arbitrary provisions of the Act itself by mere kidnappers, for nefarious purposes. On the propriety of exerting all the constitutional power which we possess (but none other than that), for the protection of the liberties of the people of the Commonwealth against kidnappers, there can be no debate; and its necessity is illustrated by the surrender of persons claimed as fugitive slaves under the Act of 1850, who are known to have been free. In one case which I recall, the commissioner denied to the accused person time to send for his free papers, and declared that they would not be admissible on such a hearing. In another instance, the person carried off was found by the claimant, as soon as he saw him, to be the wrong man, and was honestly allowed to regain his liberty. In still another, a woman who is ascertained to be of unmixed Caucasian blood, with her daughter and grandson, were saved by ransom, only, from the operation of a decision directing their rendition into slavery. And I may add that in at least one case in this Commonwealth, a man was sent out of our jurisdiction, as a slave, the warrant against whom did not appear on its face to have been issued by any magistrate authorized by the Act of Congress.

Suggestions are sometimes urged that great concessions should be made as matter of comity between States. But I do not understand that any State demands, or that any State can consent to, the rendition of free persons into slavery. This whole matter, however, involves no question of comity,

or inter-State politeness. It is a naked question of right between private persons, and of duty between the Commonwealth and its subjects. And all such rights can be protected by preserving a logical consistency, and not assigning to the certificate of a commissioner a character to which it does not even pretend, viz.: that of a record of a judgment settling the conflicting rights and titles of contending parties.

Supposing, however, that our legislation in this behalf is founded in mistake, the legislature will only have endeavored to perform their duty towards the citizen, whom they were bound to shield from unlawful harm. The power to obtain the judgment of the court affords ample redress to all claimants. Should a critical examination disclose embarrassment in raising and reserving questions of law for the appropriate tribunals, the legislature will readily repair the error.

In dismissing this topic, I have only to add that, in regard not only to one, but to every subject bearing on her Federal relations, Massachusetts has always conformed to her honest understanding of all constitutional obligations—that she has always conformed to the judicial decisions—has never threatened either to nullify or to disobey—and that the decision in one suit fully contested, constitutes a precedent for the future.

I submit these remarks and the subject, to the wisdom and candor of the legislature.

MASSACHUSETTS AND VIRGINIA.

A suit is now pending in Virginia, arising out of an Act of her legislature by means of which a citizen of Massachusetts was subjected to the forfeiture of his vessel while trading at the port of Norfolk a few years since. By that Act our coasters are annually large pecuniary sufferers. This Commonwealth has heretofore made the needful appropriations, for the defence against the suit referred to. It was argued before the court of appeals nearly a year ago, but a decision there has not yet been reached. In the opinion of eminent counsel in Virginia, the statute in question violates both the Constitution of the United States, and also that of Virginia herself. I recommend an appropriation to defray the expense of a writ of error, and an argument thereon before the supreme court of the United States, if the cause shall be decided against the defendant in the courts of Virginia.

THE CONDITION OF THE COUNTRY.

The constitutional choice to the presidency, of a citizen who adheres to the original principles of the fathers of the country, is the happy result of the recent national election. But by events which have since transpired in the southern States it appears that a large, influential, and energetic body of men in that section of the country, who control the action of at least the State of South Carolina, desire to resist, if necessary, by force of arms, this peaceful and constitutional triumph of republican principles, to which they ought in honor and loyalty to yield a generous acquiescence. Forgetful of the traditions of their ancestors, they seem determined to live in peace under no government which shall not concede to them the privilege not only of enslaving their fellow-beings within their own dominion, but also of transporting them at their pleasure into the national territory, or from State to State absolutely without restriction, and of retaining them as slaves wheresoever within the national limits they themselves may please to sojourn. It is the recommendation of President Buchanan in his recent annual message, that by means of constitutional amendments to be initiated by congress or in a national convention, concessions shall be made for the satisfaction of this extraordinary demand. This is a subject which I commend to your immediate but deliberate consideration, and I shall be happy to concur with what I hope will be the unanimous sentiment of the legislature, in a declaration of the opinion of Massachusetts with reference to the state of the Union and the suggestions of the Federal Executive.

If Massachusetts, either by voice or vote, can properly do any thing to avert from those misguided men the miserable consequences which threaten to succeed their violent action, —the pecuniary disturbances and the civil commotions which must necessarily occur within their own borders if they persist in their career, her voice and vote should not be withheld. Not the least deplorable result of the action of South Carolina I apprehend will be the insecurity to life and property which will result throughout the whole South from fear of servile insurrection. Wherever slavery exists, we have the authority of Jefferson for believing that, in his own words, "the hour of emancipation is advancing in the march of time; it will come; and whether brought on by the generous energy of our own minds, or by the bloody process of St. Domingo, is a leaf of our history not turned over." The enslaved negro population of the South is not destitute of intelligence, nor devoid of that sentiment of

resistance to tyranny which naturally inspires the oppressed to seek for freedom. If, as appears probable, it shall once conceive from the present march of events, that it has no hope of emancipation from any generous exertion of the minds of its masters, a resort to that process will be only the logical impulse of human nature. That God may be pleased to overrule the folly of man so as to avert so dreadful a calamity, must be the prayer of every American; but in my judgment it lies at the end of the road which South Carolina invites her sister States upon the Gulf of Mexico to enter.

I have searched the position of Massachusetts with all the disinterested patriotism which I could command for the performance of that duty, and I find nothing by which I can reproach her with responsibility for such results if they shall come to pass; but I invite you to a similar examination.

The truth of history compels me to declare that one chief source of the difficulty which we are called to encounter, lies in the incessant misrepresentation of the principles, purposes, and methods of the people who compose the majority in the free States, by superserviceable indviduals, who undertake to monopolize friendship for the people of the slave-holding States; and candor requires me to add that they profess a friendship the largest part of which might be analyzed into dislike of their political opponents. I have for twenty years past, been a constant and careful observer of public men and affairs; and for twelve years, at least, I have been intimately aware of the private as well as the public declarations and conduct of the representative men in almost every town and village of the Commonwealth. I think I may claim also some intimacy with the great body of the people of Massachusetts, of whatsoever party. This period has been one of extraordinary and intense political interest. The tenderest sentiments, the deepest convictions, the warmest emotions, have all been stirred by the course of public affairs. Bitter disappointments, the keenest sense of injustice, the consciousness of subjection to most flagrant wrong, have fallen to the lot of our people. The fugitive slave bill of 1850, with its merciless severity, and the ostentatious indignity with which it was executed; the repeal of the Missouri restriction upon the extension of slavery over national territory; the violent means adopted to prevent emigrants from this Commonwealth from participating in the settlement of Kansas; the invasion of that Territory by men armed with the plunder from national arsenals; the imposition of fraudulent legislatures upon a people tempora-

rily subjugated by ruffianism and unprotected by a Federal Executive which also forbade them to protect themselves; the indiscriminate pillage, fire and slaughter to which peaceable settlers were subjected without cause or excuse; the repeated exertions of the national administration in conspiracy with the enemies of freedom and good government, to impose and enforce upon Kansas a constitution sanctioning slavery; the attempt to withdraw the discussion of political questions from the people themselves and to confine it to a conclave of judges: the assault upon free speech in congress by a murderous attack upon a senator in his seat, for opinions expressed in debate and for the manner of their expression; the indifference or positive approval with which this attempt to overthrow representative institutions was treated throughout a large portion of the country; the prostitution of all the powers of the government and the bending of all its energy to propagate a certain interest for the benefit of a few speculators in lands, negroes, and politics, and to discourage the free labor of the toiling masses of the people; the menaces of violence and war against the Constitution and the Union, with which our arguments and our constitutional resistance have been met;—these all are but a part of the record of the last ten years of American political history, which is burned into the memory of the people of Massachusetts.

And yet, during all the excitement of this period, inflamed by the heats of repeated Presidential elections, I have never known a single Massachusetts republican to abandon his loyalty, surrender his faith, or seal up his heart against the good hopes and kind affections which every devoted citizen ought to entertain for every section of his country. During all this mal-administration of the national government, the people of Massachusetts have never wavered from their faith in its principles or their loyalty to its organization. Looking forward to the long ages of the future; building always, in their own minds, for countless generations yet to come; they have endured and are willing still, cheerfully and hopefully to endure much wrong and more misconception, because they trust in the blood inherited from heroic ancestors; in the principles of constitutional liberty; in the theory of democratic institutions; in the honest purpose of the intelligent masses of the people everywhere; in the capacity of Truth and Right ultimately to reach and control the minds of men; in an undying affection for their whole country, its memories, traditions and hopes; and above all, in the good Providence of God.

It was at a great cost that our fathers established their independence, and erected this Union of States—which exists under the form of a NATIONAL GOVERNMENT, unquestionable as to its authority to act on all persons and all things within the sphere of its jurisdiction and the range of its granted powers. It needs ask permission from no one to fulfil its functions or to perpetuate its existence. It has no right nor power to abdicate; nor to expel a State, or any portion of the people of any State, from the benefits of its protection; nor to permit their revolt against the duties of a common citizenship. By the incurring of national debts, by the granting of pensions, patents and copy-rights, by the issue of commissions establishing a tenure of office not terminable at the pleasure of the appointing power, by the purchase and the conquest of territory erected into additional States, by the improvement of harbors and rivers and the construction of military roads, by the settlement of wildernesses and the development of their resources under the national patronage, by the investment of vast sums of money in buildings for the transaction of public business, in light-houses, navy yards, fortifications, vessels of war, and their equipment, by the assumption of obligations under treaties with Indian tribesand foreign powers, the people of the United States have paid and are paying a continuing consideration for the existence of this National Government in all its sovereign territorial integrity. All the people of all the States are interlocked and interlaced in a vast web of mutual interests, rights and obligations as various and as precious as are the characteristics of that wonderful civilization in which they participate. And this Union, through whatever throes or crises it may pass, cannot expire except with the annihilation of the people.

Come what may, I believe that Massachusetts will do her duty. She will stand by the incoming National Administration, as she has stood by the past ones: because her people will forever stand by their country. The records of her revolutionary history declare her capacity and her will to expend money, sympathy and men to sustain the common cause. More than half the soldiers of the revolution were furnished by New England; and Massachusetts alone contributed more men to the Federal armies than were enlisted in all the Southern States. She is willing to make the same sacrifices again, if need be, in the same cause;—and her capacity to do so has increased in proportion with the increase in her wealth and population. The echoes of the thunder of her revolutionary battle-fields have not yet died

away upon the ears of her sons, and the vows and prayers of her early patriots still whisper their inspiration. The people of Massachusetts will, in any event, abide by her plighted faith. She agreed to the Constitution of the United States. It is the charter of the Union, it is the record of the contract, and the written evidence of rights intended to be secured to the States and to the People.

History shows that never at any one time is there more than one grand issue on trial under a popular government, before the great tribunal of the people. A reactionary movement against the doctrines and traditions of liberty handed down from the beginning, precipitated the trial in the elections of 1856 of an issue made up upon the relation of slavery to the territorial possessions of the nation, and the right of the people to manage those possessions so as to protect themselves, preserve their liberties, strengthen the Union, promote the common happiness and welfare, and best develop the resources of the lands within exclusive Federal jurisdiction. By the conduct and manifest designs of the leaders of that same reactionary movement, the same issue was kept open and presented to the country in a form still more intense, and a popular verdict demanded in the elections of 1860. So far as that issue can be settled by a popular election of President of the United States, its settlement is for the present, complete. In the next National election it may again be presented and the grand issue of 1860 be repeated in 1864, should the people of the country be of opinion that any duty or practical advantage remains dependent on the possible result of a new trial. Meanwhile other duties command our immediate care. There is now no issue before the people touching their political relations to slavery in the Territories. The policy of the National Government in that regard is determined for the next four years; but instead of preparing for a re-hearing and an endeavor to reverse the verdict at the end of that period, that party of reaction has now engaged in an effort to abolish the tribunal and overthrow the authority of the people themselves. And the single question now presented to the nation is this—*Shall a reactionary spirit, unfriendly to liberty, be permitted to subvert democratic republican government organized under constitutional forms?*

Upon this issue, over the heads of all mere politicians and partisans, in behalf of the Commonwealth of Massachusetts I appeal directly to the warm hearts and clear heads of the great masses of the people. The men who own and till the soil, who drive the mills, and hammer out their own iron

and leather on their own anvils and lapstones, and they who, whether in the city or the country, reap the rewards of enterprising industry and skill in the varied pursuits of business, are honest, intelligent, patriotic, independent, and brave. They know that simple defeat in an election is no cause for the disruption of a government. They know that those who declare that they will not live peaceably within the Union, do not mean to live peaceably out of it. They know that the people of all sections have a right which they intend to maintain, of free access from the interior to both oceans, and from Canada to the Gulf of Mexico, and of the free use of all the lakes and rivers and highways of commerce, North, South, East or West. They know that the Union means Peace, and unfettered commercial intercourse from sea to sea and from shore to shore; that it secures us all against the unfriendly presence or possible dictation of any foreign power, and commands respect for our flag and security for our trade. And they do not intend, nor will they ever consent, to be excluded from these rights which they have so long enjoyed, nor to abandon the prospect of the benefits which Humanity claims for itself by means of their continued enjoyment in the future. Neither will they consent that the continent shall be overrun by the victims of a remorseless cupidity, and the elements of civil danger increased by the barbarizing influences which accompany the African slave trade. Inspired by the same ideas and emotions which commanded the fraternization of Jackson and Webster on another great occasion of public danger, the people of Massachusetts, confiding in the patriotism of their brethren in other States, accept this issue, and respond, in the words of Jackson, "*The Federal Union, it must be preserved!*"

Until we complete the work of rolling back this wave of rebellion which threatens to engulf the government, overthrow democratic institutions, subject the people to the rule of a minority, if not of mere military despotism, and in some communities to endanger the very existence of civilized society, we cannot turn aside, and we will not turn back. It is to those of our brethren in the disaffected States whose mouths are closed by a temporary reign of terror, not less than to ourselves, that we owe this labor which, with the help of Providence, it is our duty to perform.

I need not add that whatever rights pertain to any person under the Constitution of the Union, are secure in Massachusetts, while the Union shall endure; and whatever authority or function pertains to the Federal Government

for the maintenance of any such right, is an authority or function which neither the government nor the people of this Commonwealth can, or would, usurp, evade, or overthrow. And Massachusetts demands, and has a right to demand, that her sister States shall likewise respect the constitutional rights of her citizens within their limits. And it is a reproach to human nature, and a breach of honor, that more of her free citizens, who happened to touch the soil of South Carolina, should have been sold into slavery under laws the assertion of the unconstitutionality of which that State punishes with a grievous penalty, than ever fugitive slaves have escaped from South Carolina to Massachusetts.

THE PACIFIC RAILROAD.

I congratulate the country upon the passage of the Pacific Railroad Bill through the house of representatives at the present session of congress, and upon the probable early adoption of the same measure by the senate. Its prompt enactment is due to our brethren on the Pacific coast, as an earnest of our desire for speedy, safe, and ample communication between them and ourselves; and while it will open vast territories abounding in agricultural and mineral wealth, it must also add to the trade and importance of the great maritime cities. It has been framed in a spirit of honorable concession to supposed conflicting interests, but it will inure to the benefit of all.

Gentlemen of the Senate and
House of Representatives:

With unaffected solicitude I approach this office; but with the frankness which is due to you, to the occasion, and to our constituency, I commit these inquiries, opinions and suggestions to your wise and patriotic counsels. The people and the State are entitled to our honest thought and our best services. At the termination of this career of public duty, I trust that a consciousness of faithful purpose and patient effort will be our great reward.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE SESSION ENDING APRIL ELEVENTH.

[To the Senate, January 14.]

I have received from the governor of New York, the accompanying note and "copy of the concurrent resolutions of the legislature of the State of New York, tendering the aid of the State to the president of the United States, to enable him to enforce the laws and to uphold the authority of the Federal Government."

I herewith transmit the same for the information of the general court.

[To the House of Representatives, January 21.]

I herewith transmit for the information of the general court, a series of joint resolutions adopted by the general assembly of the State of Ohio, on January 12th, 1861,—together with a communication from His Excellency, Governor Dennison, of Ohio, transmitting them to the executive department of this Commonwealth.

[To the Senate, January 22.]

Messrs. John R. Manley, Frederick W. G. May, and F. B. Sanborn, executors of the last will and testament of the Rev. Theodore Parker, of Boston, have this day in person delivered to me two fire-arms formerly the property of Captain John Parker, of Lexington, viz.—a large musket, or king's-arm, which was captured by him from the British, on the morning of the 19th of April, 1775, in the battle of Lexington, and which is the first fire-arm taken from the enemy in our war of Independence; and also a smaller musket, which was used by him in that battle, while fighting "in the sacred cause of God, and his country."

These precious and venerable mementoes of patriotism and valor, rescued from decay and loss by the pious care and love of children, in whose hearts as well as veins was

renewed the life of the brave and noble yeoman-soldiery of Lexington, were committed by their last possessor, in his will, "to the proper authorities of the Commonwealth of Massachusetts," with the "desire that these relics of the Revolution may be placed in the senate chamber of this Commonwealth, and there sacredly kept *in perpetuam rei memoriam*."

One of the last acts of the donor, Theodore Parker, before his departure from home, when bound on a voyage across the seas, was to deposit these valued trophies in one of the fire-proof rooms of the state house, for preservation from casualty. He never returned. His death, which occurred at Florence, in Italy, transferred to the Commonwealth of Massachusetts the title to the musket with which his grandfather fought for Independence, on Lexington Common, and to the old king's-arm, which was the first trophy of the Revolution.

I am proud to be the humble instrument of their transmission to the senate, in whose chamber it is requested by the will that they may be preserved. I know that you will receive this gift, assigning to them an honorable place among the similar relics which illustrate the senate walls. And, speaking from my own private knowledge of a man, whose rare learning, rarer willingness to impart to others his wealth of knowledge, and whose manly virtues it is impossible to forget, I may be allowed to assure the Senate that I believe that Massachusetts has rarely cradled a son who loved his native State, her history, her principles, her honor, and her soil, with more romantic devotion than did he, whose last gift to her testifies to the patriotism of his blood and his name.

Should the honorable senate be pleased to appoint a committee to receive these arms, I shall be happy thus to transmit them, and will meet your committee at the council chamber for that purpose.

[To the House of Representatives, January 22.]

I transmit, herewith, for the information of the general court, a communication offering to the Commander-in-Chief and the legislature, the services of the sixth regiment, third brigade, second division, of the volunteer militia of the Commonwealth, which was this day received by me from the hands of Brigadier-General Butler, the same having been forwarded by Major-General Sutton.

I transmit also, a communication simultaneously received by me from Major-General Sutton, commanding the second division, offering the services of himself and his staff.

[To the Senate, January 24.]

I herewith transmit, for the information of the general court, a copy just received at this department, of certain resolutions adopted by the general assembly of the State of Virginia on January 19th, 1861, together with the note of the governor of that Commonwealth, which accompanied the same.

[To the House of Representatives, January 28.]

Agreeably to the request of His Excellency Israel Washburn, Jr., governor of the State of Maine, I herewith transmit, for the information of the general court, a copy, received at this department, of certain resolutions adopted by the legislature of that State, respecting a uniform decimal system of weights, measures, and currencies,—together with the communication from Governor Washburn, which accompanied the same.

[To the Senate, January 29.]

I herewith transmit, for the information of the general court, copies received at this department of joint resolutions adopted by the legislature of the State of Pennsylvania on January 24, 1861, together with a communication from His Excellency, A. G. Curtin, governor of that State, which accompanied the same; also of joint resolutions adopted by the general assembly of the State of Tennessee on January 22, 1861, together with a communication from His Excellency I. G. Harris, governor of that State, which accompanied the same; also of a resolution adopted by a convention of the people of the State of Georgia, (the date of the adoption whereof is not specified,) together with a communication from George W. Crawford, president of said convention, which accompanied the same.

[To the House of Representatives, February 2.]

I herewith transmit, for the information of the general court, copies received at this department, of joint resolutions adopted by a unanimous vote of the legislature of the State of Wisconsin on January 21st, 1861, and also of joint resolutions adopted on January 29th, 1861, by the legislature of the State of New Jersey.

[To the Senate, February 5.]

Agreeably to the request of His Excellency Governor Magoffin, I herewith transmit for the information of the general court, copies received at this department of joint resolutions adopted by the general assembly of the Commonwealth of Kentucky on January 25th and January 29th last.

I transmit, also, a copy received at this department, of joint resolutions adopted by the legislature of the State of Minnesota on January 22d last, together with the communication from His Excellency Governor Ramsey, which accompanied the same.

[To the House of Representatives, February 7.]

I herewith transmit, for the information of the general court, copies received at this department, of joint resolutions adopted by the legislature of the State of New York on February 5th, instant, together with a communication from His Excellency Governor Morgan, which accompanied the same; also of joint resolutions adopted by the legislature of the State of Indiana on January 31st last, together with a communication from His Excellency Governor Morton, which accompanied the same.

[To the House of Representatives, February 13.]

I herewith transmit, for the information of the general court, a copy received at this department, of certain "Joint Resolutions on the state of the Union" adopted by the "nearly unanimous" vote of the legislature of the patriotic State of Michigan,—together with a communication from His excellency Governor Blair, which accompanied the same.

[To the Senate, February 25.]

I herewith transmit to the general court a memorial from the territorial legislature of Kansas, together with the communication from His Excellency Governor Beebe, with which the same was inclosed to this department.

[To the House of Representatives, February 25.]

In accordance with the joint order by which I am requested to communicate to the general court "copies of all proceedings before the governor and council under the resolves of 1859, chapter 69, concerning the boundary line between the State of Rhode Island and this Commonwealth," I have the honor herewith to transmit the documents hereunto annexed, and marked respectively A, B, C, D, E, and F.

[To the Senate, March 6.]

I herewith return "An Act concerning the Eastern Avenue Corporation" to that branch of the general court in which it originated, and I withhold from it the executive approval for the reason that by virtue of its second section the mayor and aldermen of the city of Boston are empowered to authorize "so much of said avenue as shall be built within the commissioners' line established May 25, in the

year 1853, for solid structures," to "be built solid." Such consent on the part of the mayor and aldermen might authorize the corporation to erect a structure which would deprive various riparian proprietors from legitimate access to the sea; and might greatly impair the value of their property without rendering them any corresponding compensation; and the bill provides no method by which such compensation could be secured.

If the bill had contained a provision to secure the construction of proper drawbridges and sluiceways, or had expressly preserved the rights in respect thereto, which were expressed in the charter of the corporation (Acts of 1852, chapter 148, section 2), I do not perceive that my objection would then apply; but I am of opinion that by the second section of this bill the mayor and aldermen are invested with a power to authorize all parts of the avenue within said commissioners' line to be built solid, to the exclusion of draws and sluiceways. It may be urged that practically there is no danger of an abuse of such power by the municipal authorities; but I cannot believe that the legislature intended to confer such power at all, nor that it would be proper to do so.

[To the Senate, March 8.]

I have the honor, in compliance with the request of the senate, to communicate the report of the commissioners appointed under chapter 66 of the Resolves of the year 1857, in reference to certain Indian lands.

[To the House of Representatives, March 8.]

I herewith transmit for the information of the general court, the report concerning Indians domiciled in this Commonwealth, made by the commissioner appointed in accordance with the provisions of chapter 266 of the Acts of the year 1859.

[To the House of Representatives, March 15.]

I have the honor to present to the general court, as a gift to the Commonwealth of Massachusetts from one of its citizens, certain memorials of great historic interest.

The home and resting place of the ancestors of GEORGE WASHINGTON were until recently unvisited by, and unknown to Americans. In the genealogical table, appended to the Life of Washington by our distinguished fellow citizen, Mr. Jared Sparks, it is stated that Lawrence Washington, the father of John Washington, (who emigrated to Virginia in

1657,) was buried at Brington; but though both Mr. Sparks and Washington Irving visited Sulgrave, an earlier home of the Washingtons, neither of these learned biographers appear by their works to have repaired to this quiet parish in Northamptonshire.

Our fellow citizen, the Hon. Charles Sumner, on a recent visit to England, identified certain inscriptions in the parish church of Brington, near Althorp, as being those of the father and uncle of John Washington the emigrant to Virginia, who was the great grandfather of the father of his country.

Earl Spencer, the proprietor of Althorp, so honorably known as an early advocate of parliamentary reform, sought out the quarry from which, more than two centuries ago, these votive tablets were taken, and caused others to be made which are exact *fac-similes* of the originals. These he has presented to Mr. Sumner, who has expressed the desire that memorials, so interesting to all Americans, may be placed where they may be seen by the public, and has authorized me to offer them to the Commonwealth, if it be the pleasure of the legislature to order them to be preserved in some public part the state house.

I send with this a letter addressed to myself by the learned historian of Washington, bearing testimony to the great interest of these memorials, and expressing the desire that they may (Mr. Sumner assenting) be placed in the capitol.

A letter from Mr. Sumner to Mr. Sparks also accompanies this message, describing the church at Brington, and some of the associations which cluster around the resting-place of the ancestors of our Washington.

[To the House of Representatives, March 18.]

I have this day received and herewith transmit to the honorable house for the use and information of both branches of the legislature, a resolution adopted and approved by the executive council of the State of Maine, recommending an examination on the part of Massachusetts of the claim of George M. Weston against the Commonwealth, for services rendered by him in the settlement of the "Massachusetts War Claim" on the general government.

[To the Senate, March 18.]

I have the honor to return to the senate a bill entitled "An Act granting leave to the First Congregational Society in Woburn to use Ministerial Fund."

Its purpose is to authorize the First Congregational Society in Woburn to use for the payment of its debts, a

fund which was devoted fifty-one years ago, by an act of February 24, 1810, to the support of the preaching of the gospel in Woburn, by an ordained settled minister. And, in the act of the general court, incorporating the board of trustees in whom the same was thereby vested, it is declared that they are "never to alienate, or in any wise alter the fund aforesaid."

At the time of passing the Act of 1810, I infer, from some of its terms, that the town of Woburn constituted a territorial parish, agreeably to the ancient usage of the older towns of Massachusetts; and that a sum was in the hands of the town treasurer, being a surplus of money obtained by the sales of pews in a meeting-house then recently built. This money was vested in this board of trustees who were not only to receive, hold, manage and appropriate the same, but also "all other moneys, subscriptions, donations and securities for real or personal estate, that might thereafter be given, raised or subscribed, and to appropriate the same according to the intention and direction of the donor or donors within the provisions" of that act.

The purpose and intent expressly declared, was to devote the annual income, whenever it should amount to two hundred dollars, and until it should reach one thousand dollars, to the support of the ordained and settled minister of the congregation.

If any portion of the fund in question has been derived from donations and subscriptions of persons who have made offerings to this fund, thus created and with its uses thus limited, I cannot doubt that thus "to alter the fund" without the consent of the donors, would be to pervert the trust, and that the contemplated legislation would be unconstitutional.

And although I am advised, informally, that no part of the fund thus originated, yet the fact seems to be one of importance on every account; and especially in view of the precedent which might be established by our action,—one which ought to be judicially ascertained, and not to be assumed.

So far as the fund is the result of the sales of the pews, I suppose that the town or parish is to be deemed the creator or donor of the fund, and also that the town or society, as the case might be, became thereby the *cestui que trust* or beneficiary thereof.

Still, the fund or property, as to its *legal title*, became vested in the board of trustees; and the members of the board by their acceptance of the trust, became personally

liable for the fulfilment of the trust declared and assumed. So too it seems that every person having an interest in the proper use of the fund,—as for example, any member of the parish, or any ordained and settled minister thereof, would have a right, by appropriate legal proceedings to require the trustees to fulfil the trust, and also to call them in question for any dereliction of duty.

And, therefore, supposing the act now being considered were to pass through all the formalities necessary to become a law, still the trustees might not find themselves free from difficulty, should they attempt to pay over the fund to the society. Such payment could not be compelled by the society; nor would the receipt of the society in my judgment operate to discharge the trustees, nor to bar future inquiry into their conduct; nor control the equitable right of any person, entitled to any benefit under the trust.

But perhaps the trustees might assume to pay over the fund, incurring voluntarily the hazard, more or less, of personal responsibility, which, may in this case, prove to be only nominal or speculative and not a real one; since, perhaps, all persons may now and hereafter approve of this proposed disposition. Yet, still, I cannot but hesitate, however slight the risk, at an act, which is not, I think, at all defensible on principle.

If it were ascertained on judicial inquiry, that the various parties interested in this trust desired the fund to be appropriated in the manner asked for by the society, and that the trustees concurred therein, it might be very reasonable and just for a court of chancery of competent jurisdiction to give adequate directions by the adoption of the appropriate decrees in equity, to that end. But, I think, the matter is one plainly of judicial cognizance, and not to be disposed of by legislation only. I therefore return this bill, venturing to suggest, instead thereof, an act so far modifying the seventh section of the act of 1810, as to authorize the supreme judicial court to alter the appropriation of the trust fund in such manner and to such extent as shall be found conformable to the desire of the persons and parties interested therein, and the principles of equitable jurisprudence.

In view of the considerations I have thus hastily and briefly referred to, I return this bill without approval.

I trust that no inconvenient delay may be suffered by the petitioners in obtaining the kind of legislation which alone it seems to me the nature of the case permits; and that the general court will agree with me in the opinion that we can

scarcely guard with too much vigilance or fidelity those legacies which to pious or charitable uses are dedicated by one generation for the benefit of those who come after them.

[To the House of Representatives, March 20.]

I have the honor to transmit herewith, for the use of the legislature, a copy of the joint resolution passed March 11, 1861, by the general assembly of the State of Indiana, "requesting congress to call a convention to amend the Constitution of the United States;" and also a copy of the joint resolution of the assembly and senate of the State of Wisconsin, "expressing the confidence of the people of Wisconsin in the present administration of the Federal Government;" together with the letters of the governors of the aforesaid States, accompanying said resolutions.

[To the Senate, March 21.]

I have the honor to transmit herewith, for the information of the legislature, a copy of the joint resolution to amend the Constitution of the United States, passed at the second session of the thirty-sixth congress, and approved March 2, 1861, together with the accompanying certificate of the secretary of state of the United States.

[To the Senate, March 25.]

I have the honor to transmit to the general court, for its use and information, a report just received by me from John Z. Goodrich, Charles Allen, George S. Boutwell, Theophilus P. Chandler, Francis B. Crowninshield, John M. Forbes and Richard P. Waters, Esquires, who were appointed commissioners on the part of Massachusetts, under a resolve passed the fifth day of February last, to attend a convention of delegates from the several States of the Union recently held at Washington.

And I embrace this opportunity to congratulate the people of the Commonwealth upon the fidelity, judgment and ability with which the commissioners by whom they were represented, conducted their share of the duties of that deliberation. And I trust that a similarly intelligent, manful, and at the same time charitable and patriotic adherence to principles, fundamental both in morals and politics, will characterize the people of Massachusetts and all their representatives, by whatever experiences of danger or difficulty their devotion to truth and duty may hereafter be tried.

I ask leave to call the attention of the general court also to the fact that, as yet, no provision has been adopted for the payment of the expenses incident to the service with which the commissioners were charged; and to recommend that a suitable appropriation for that purpose be made at the present session of the legislature.

[To the House of Representatives, March 25.]

I return to the house of representatives the bill entitled "An Act to incorporate the Benjamin Franklin Protective Life Insurance Company," and respectfully present the substance of the reasons which have compelled me to invite the legislature to reëxamine it.

A serious objection to the bill is found in the difficulty (which seems to me to amount to an impossibility) in arriving at a definite conclusion as to the proper and legal meaning, judicially interpreted, of certain clauses in the fifth and sixth sections, so obscure that I have been unable to satisfy myself of their meaning. I doubt not that the legislature will agree with me in the opinion that the disputes, litigation and consequent losses likely to follow in case the bill should become a law, ought to be anticipated and prevented, if possible.

Certain specific features of the measure, so far as I comprehend it, also deserve specific observation. No elaboration of the views of the supporters of the bill has reached me, since none is contained in the report which introduced the bill to the house, and I must therefore make these observations, unaware of the arguments or explanations, by which the bill may be susceptible of defence and support.

1st. This company, though professing to be protective, and promising as large returns of surplus premium to the insured as any mutual company would have a right to promise, is in no sense a *mutual* company. It is a corporation of *stockholders*, to be controlled entirely by themselves, the *policyholders*, as such, having no voice whatever in its management.

2d. Though the stockholders are apparently restricted as to the profits on their stock, they are not restricted as to the *expenses*, and there is nothing in the charter to prevent their absorbing, under the name of expenses, every dollar of the premium not required to pay losses and keep the capital whole. There is, therefore, nothing in the charter to secure the policy-holders who pay full mutual premiums any thing more than they can now have in mutual companies by paying the lower stock rates or some participating premiums.

3d. Purely mutual life insurance companies have been proved by experience to be the safest and best for the insured. And though guarantee capital is necessary to start one, yet, as soon as the members have increased to a sufficient number of mutual insurers of each other and the premium-reserve increased to a sum equal to the capital necessary at first, that capital can be safely returned and the insured be relieved from the expense of it, inasmuch as the reserve cannot fail to be kept good by the accession of new business. This is of course beneficial, because, while the guarantee capital remains, the policy-holders must pay for its risk and the profits it demands, by larger premiums than otherwise would be necessary.

4th. The division into chronological classes contemplated in the sixth section, in so far as it secures the independence of those classes of each other, is in violation of the mathematical principle which gives stability to life insurance; and it can only increase the expense of management, perpetuate the necessity of guarantee capital, and besides, by reason of the apparent intricacy of the system, tend to disputes and litigation. That section in effect confers on the same corporation of stockholders power to inaugurate, and compels it to inaugurate a new life insurance company every five years, each company to gain its maximum development as to numbers, within a period which cannot exceed five years; from which period it must dwindle until it becomes extinct; and all these companies are to depend for guaranty from first to last on the same capital stock. The extra hazardous character and expensiveness of this plan are sufficiently obvious, while its advantages are not easy to be discerned.

Under the conviction that the whole subject might be advantageously reinvestigated by the general court, and that the bill may not have received a scrutiny sufficiently critical on its original passage, and in the hope that it may be put into a new draft before it shall be permitted to become a law, I have felt it to be my duty, in its present condition, to withhold the executive approval.

In considering this subject I have regarded in my own mind only the relation of the system of life insurance and of the proposed law to the good of the public, dismissing all thought as to the wishes or supposed wishes of those intending to become corporators under the act. For the creation of such institutions by law I regard as a delicate and almost sacred responsibility. The insurance of human lives touches

society at a point of the tenderest interest. The idea springs from the industrious care, and the frugality and self-denial of men and women holding domestic relations, towards the sick, aged, infant, or otherwise dependent ones, for whom love and duty combine to command their watchfulness and providence. It is the resort sometimes of those who are helped in trying exigencies, by friendly loans from those who dare not, with narrow means, risk alone the hazard of accidents affecting the life of the borrower; and who cannot feel that justice to other claims upon them would permit it.

These institutions are an earnest manifestation of the tendency of civilized, humanized men to unite in bearing each others burdens; though not forgetting, however, that at last there is a point up to which each one, by an irreversible law, must bear his burden alone. The usefulness and the moral benefits of life insurance, limited to the purposes of filial, parental and friendly providence, and to the security of honest creditors having a just stake in the life of another, are universally recognized. And in proportion to the advantages derivable from good, safe, and wisely constructed institutions, are also the evil, suffering and calamity, the disappointment of the confiding, the dismay of the dependent, the social and individual distress—to say nothing of the discredit to the government itself—which are involved in the final catastrophe of any such institution illy secured, or founded on principles inconsistent with success.

[To the House of Representatives, March 26.]

I herewith transmit for the information of the legislature, the "Second Special Report of John Milton Earle, commissioner under the Act concerning the Indians of the Commonwealth, chapter 266 of the Acts of 1859."

[To the House of Representatives, March 30.]

I transmit herewith to you, for the information of the legislature, the "Twenty-fourth Annual Report of the Board of Education."

[To the House of Representatives, March 30.]

I very reluctantly return, unapproved, to the honorable house, a bill "In relation to Streets on the Back Bay," and I respectfully communicate to the legislature the objections to the measure in its present form.

1st. The bill proposes to confirm certain modifications and alterations of the various streets and ways on the Back

Bay made by the commissioners; these streets and ways are laid down in the general plan thereof dated January 21st, 1857, and deposited in Suffolk Registry of Deeds, August 31st, 1858. But the bill does not refer to any specific "alterations or modifications," nor to any plan containing them, so that it does not appear what they are which the bill proposes to confirm. In view of the fact that the Commonwealth has made many conveyances of lots and many contracts to convey lots on the Back Bay according to their delineation on the plan dated January 21st, 1857, and must henceforth make its contracts and sales by reference to some ascertained, defined and accessible plan or representation on paper, I think the bill opens a door to the most perplexing doubts. But I understand that a plan containing the "alterations and modifications" already exists and is on record, which, if referred to, would give certainty to the intention of the act.

2d. I venture also respectfully to suggest as to the power to "offer" the streets and ways on the Back Bay lands to the city of Boston for its acceptance "on such terms and conditions as the commissioners may deem expedient," that the power thus indicated is of unlimited extent, seems to permit in advance any terms or conditions which the city may demand and reserve to no branch of the State government the power to disapprove or revise them. They are of great importance to the Commonwealth as the owner of the lots yet unsold, and also to those persons who have become purchasers, and they need to be carefully and skilfully guarded.

I venture these remarks with no want of confidence in the judgment or fidelity of the present board of commissioners, nor of any possible successors, but for the purpose of asking the deliberate attention of the general court to the unusual extent to which the bill proposes to delegate discretionary power. I am satisfied, however, that some legislation at the present session to facilitate the acceptance of certain of the streets, is very desirable. I understand that it is objected on the part of the city that the competent power to offer the streets of the city does not at present exist. It is manifestly desirable that certain of them should become public highways, in order that those who have purchased and built may derive the proper benefit of municipal care and protection.

[To the Senate, April 10.]

I am compelled by objections which I cannot surmount, to return to the senate the bill "Concerning exceptions in Capital Cases."

By referring to the ninth section of the one hundred and twelfth chapter of the General Statutes, it will be seen that ample power is imparted to the court to *disallow* "*frivolous exceptions intended merely for delay*," and to render final judgment and to pass sentence against the prisoner notwithstanding them.

The act which I return denies to the prisoner the right to except unless the judges who preside at the trial shall "differ in opinion" concerning the rulings questioned, or unless they think their own rulings "doubtful and proper for further consideration and revision."

No power to except in capital cases existed in this Commonwealth, within my recollection, until it was granted by an act of 1859. The reason was, that at such trials a quorum of the supreme judicial court is present and presides before the jury, and the presumption was that the court giving due consideration to all the points raised at the trial, would decide them correctly, and that a re-examination by a quorum of the same court would be superfluous. So, therefore, for the same reason, the right to move for a new trial and the right to sue out a writ of error were not considered to exist as of course. The subject is explained by the court in the case of John W. Webster, (5 Cushing, 374,) and in Peter York's case, (9 Metcalf, 93.)

But the mere fact that a quorum of the court presides at the trial, is not conclusive against possible mistake. Nor is it at all clear that even the very same justices on careful re-examination, after time for reflection and opportunity for research afforded both to counsel and to themselves, may not change their first impressions, even if originally existing in the form of undoubted opinions. Some memorable examples of cases in point occur in the history of the administration of the most illustrious judges.

I do not think that counsel while involved in all the anxieties and cares of a capital trial, occupying every hour of the day during which the human brain can work with vigor, should be expected always to present their points of law with all the fulness and force of argument, and all the support of authority which the rights of the citizen and the interests of truth may demand.

And remembering that in other criminal cases, not capital, the right of exception exists, subject only to the restriction

I have already mentioned, I cannot believe that the presence of several justices, instead of one only, at the jury trial in capital causes, is such a guaranty against error, that the law, as it now stands, should be altered,—while human lives are involved in the event.

I may be permitted to add that it is at least worth considering whether, if any alteration in this respect is to be made, it would not be more advantageous to the accused citizen to save to him the existing right of exception, with its benefits, at the expense of a reduction of the number of justices presiding at the trial of the facts.

His Excellency the Governor, having informed the Senate of the reception by him of two Revolutionary fire-arms from the executors of the will of the late Rev. Theodore Parker, with the request that they be placed in the Senate chamber of the Commonwealth, the two branches met in Convention in the Representatives' Hall, and received the Governor, attended by the Council and other officers of the public Departments, when His Excellency formally presented the cherished relics, with the following

ADDRESS.

[To the Senate and House of Representatives in Convention, January 26.]

Mr. President and Gentlemen of the Convention:

In the year 1775 the ancient town of Boston, in New England, within which the sessions of the general court of Massachusetts are now and for many years have been held—then containing but seventeen thousand inhabitants—confined to the narrow peninsula which first formed the town—lay beleaguered by an irresistible army of British invaders. On the fifteenth day of the month of April, 1775, the Provincial Congress or Legislature of Massachusetts, which had for a few weeks been sitting at the town of Concord, in the county of Middlesex, adjourned its sessions. Hancock and Adams—John Hancock, whose name stands first inscribed on that roll of immortal names affixed to the Declaration of Independence, written—in the words of Daniel Webster—as if it had been "inscribed on the blue arch of the heavens between Orion and the Pleiades"—and Samuel Adams, who, with

John Hancock, had the honor to be, of all Americans, excluded from the proffered pardon of the British crown—Samuel Adams, who was the soul of the revolutionary patriotism of Massachusetts—were dissuaded by the watchfulness of their fellow patriots from retiring at the close of the session, to their homes in Boston. The Reverend Jonas Clark, of Lexington, one of the most distinguished clerical patriots of Massachusetts in our revolutionary age, was a relative of John Hancock. To his house Samuel Adams and John Hancock—the latter accompanied by Dorothy Quincy, who was betrothed to become his wife—repaired for shelter. General Joseph Warren of Boston, whose name, patriotism, eloquence and fate always bring a quicker throb to every patriotic American heart as that name is either spoken or read,—watching with the eagle eye as well as the lion heart which distinguished that illustrious name, keeping in mind all the possible contingencies which surrounded his city and his neighborhood, remembering that the American stores at Medford had been but recently taken by an incursion of British troops,—kept guard over the safety of the arsenal at Concord, and over the dearer safety of the precious lives of Hancock and Adams at Lexington. On the afternoon of the 18th day of April some unusual movements were observed among the officers of General Gage. At once, without delay, General Warren caused expeditions to be organized for the purpose of alarming the whole country side, and especially of protecting Lexington and Concord from surprise. At ten o'clock in the evening a light was suspended from the belfry of the old North Church. It was answered by corresponding signals from every hill top in Middlesex, Norfolk and Essex. It roused the whole yeomanry for many miles around from its common centre—all their hopes and all their fears. William Dawes, sent over Roxbury Neck on horseback, pursuing one route to Concord, gave an alarm and added the necessary explanations. Colonel Paul Revere started, as soon as the order was given by his superior, across the river from Boston to Charlestown, escaping the guard only five minutes before the order of General Gage was received by the sentinel, which would have made it impossible for any citizen of Boston to have passed that night. He soon found himself on horseback on the other side, and presently pursued by two officers of the British army. His ingenuity, as well as knowledge of the neighboring localities, enabled Colonel Revere soon to leave his pursuers behind, fast in one of the artificial ponds or ditches of the vicinity. He continued his own progress, and as he passed along the road

stopped at every house to give the needful alarm. Reaching Lexington, he resorted at once to the house of Jonas Clark, the venerable minister of the parish. Eight soldiers had been picketed there by Captain John Parker, who had called his company together during the night, alarmed by the signals —mustering a hundred and twenty men in the night time— to watch over the patriots whose lives were reserved by the British crown for the halter, but whom the Infinite Ruler, who sits on the throne of the universe, had reserved for an immortal fame. The visit of Colonel Revere to Lexington recalled before daybreak seventy of the soldiers belonging to the command of Captain Parker, who were suddenly rallied on the green, behind the village church. Besides the soldiers who had been regathered were several young men of the neighborhood, not yet mustered into companies. Presently the alarm was given by scouts returning, that the British soldiers—the regulars—were on their heels and at the door. Hancock and Adams, no longer sheltered by any house, but under the arch of heaven, in a remote, quiet, secluded field, were preserved by the providence of Him without whose care no sparrow falls to the ground. Presently, under the command of Major Pitcairn, a corps of eight or ten hundred men—who, under the lead of Colonel Smith of the British forces, had marched out from Boston—pressed up on a quick run, and brought themselves to a hill within a few rods of the village meeting-house. In a very few moments a firing was begun on both sides. The deadly aim of the British soldiers, in an affair which was much more a massacre than it was a battle, left seven of the seven hundred inhabitants of the little town of Lexington—seven of the seventy men who had been recalled together by the drum beat at the gray of that immortal morning—bleeding and dead upon the church greensward; and nine more wounded, unable to pursue the fight. Outnumbered by an overwhelming force, Captain Parker gave the order to his men to retreat as best they could, and for each man to look out for his own personal safety. Immediately all were dispersed. The British soldiers having been summoned to their breakfasts, (having each brought his supply of provisions about his person,) halted perhaps half an hour, gave three cheers, and pursued their march for Concord. The company of Captain Parker rallied again, took up their dead and wounded, and with pious care restored them to their houses, whence they had sallied in the night full of hope and the high resolve of patriotic hearts; and then that torn and tattered fragment of the Lexington yeoman soldiery returned to the ranks again, and pursued the

retiring British force, in order to have a voice in the great transaction about to take place that day upon the banks of the peaceful Concord River. The signals and the alarms which had spread throughout the neighboring towns, had gathered together on the banks of Concord River yeoman soldiers, like the men of Lexington, from Dedham on the one hand, all around to Salem and Danvers on the other. The men of Lexington arrived just after the soldiers of the Province had repulsed and driven back the British foe, in season to have a hand themselves in the constant and worrying attacks made on either side during the British retreat. One hero, Jedediah Munroe, fell that afternoon a lifeless corpse, who had been wounded in the morning on Lexington Common.

The affair at Lexington has been recited, Mr. President and Gentlemen of the Convention, so many times, and by such eloquent lips, that I would not dare to trust myself, in this presence, with any repetition of its details. I have ventured thus to give you a cursory glimpse of the transactions of the day in order to recall to your minds the historic events and the circumstances which surrounded and attended them, connected with which are these precious relics of our revolutionary history, which in a moment I shall have the honor to present, through its special committee, to the honorable senate. I ought not, however, to fail to remind you of the names of those yeoman heroes who tasted death or gave their blood in that morning hour of the American Revolutionary cause, to "the cause of God and their country." Samuel Hadley, Caleb Harrington, Jonathan Harrington, Jr., Robert Munroe, Isaac Mussey, Jonas Parker and John Brown fell on Lexington Common and breathed no more. Joseph Comee, Nathaniel Farmer, Ebenezer Munroe, Jr., Solomon Pierce, John Robbins, John Tidd and Prince Estabrook, "a negro man," participated in the fight on Lexington Common, and gave their blood—flowing together in a common stream—an oblation upon the altar of all our liberties. Jedediah Munroe fell that day. He was the man who, wounded in the morning at the affair of Lexington, bearing his wound, the pain of which could not weaken the ardor of his patriotic purpose, marched with his company to Concord and there tasted death among the men whose valor and whose sufferings have made the name of Concord—linked with that of Lexington—as immortal as those of Marathon and Platea.

Allow me, gentlemen, to remind you that an historic reflection reveals to us that there in the little town of Lexington, with only seven hundred inhabitants, was contained

an epitome of all our New England life. There was the yeoman; there was the soldier—many of them doubtless had fought at Louisburg, at Montreal, and under the walls of Quebec; there was the village mechanic; there, too, was Adams, whose strong sense and burning eloquence had shaken the walls of Faneuil Hall; and there, too, was Hancock, the merchant prince and ardent patriot, who gave the largest fortune, as well as one of the warmest hearts in all New England to the common cause; there, also, was Jonas Clark, the pious, learned, devout and faithful pastor. And they were all linked together by the ties of a common purpose, a common history, a common danger, and a common future for themselves and their posterity.

The affair at Lexington having been ended, so far as concerned the active duties of the day, by the retreat of the Lexington company, and by the departure of the British troops, Captain John Parker followed after the retiring forces, and overtook a soldier who had lagged behind his associates of the Forty-third Regiment of British Infantry, equipped with an old king's arm, a cartouch box with sixty rounds of ball cartridges, his knapsack and blankets. Captain Parker captured from this soldier his musket and accoutrements, and kept them always during his life. The king's arm, as also a small musket which he bore both at Lexington and Concord on that 19th day of April, 1775, were preserved with pious care and patriotic interest by his son, Deacon John Parker, and afterward by his grandson, the Rev. Theodore Parker, the American clergyman and scholar, by whose last will and testament they were devised to Massachusetts. You will permit me to read to you the item of the will of the donor from whose gift the Commonwealth receives these precious relics and mementoes of our early days:

"*First.* To the proper authorities of the Commonwealth of Massachusetts I give the two fire-arms, formerly the property of my honored grandfather, Captain John Parker, late of Lexington, in the county of Middlesex, to wit, the large musket or king's-arm, which was by him captured from the British on the morning of the 19th of April, 1775, in the battle of Lexington, and which is the first fire-arm taken from the enemy in the war for Independence; and also the smaller musket, which was used by him in that battle while fighting 'in the sacred cause of God and his country;' and I desire that these relics of the Revolution may be placed in the senate chamber of this Commonwealth, and there sacredly kept *in perpetuam rei memoriam*."

The simple shaft which rises from the spot where reposes the dust of the men who fell at Lexington, bears an inscription, the first words of which are "Sacred to Liberty and the Rights of Mankind." Sacred to liberty and the rights of mankind! The legend also reads, that they fell "in the sacred cause of God and their country." May the God of battles preserve us and our country from this time forth and forevermore, from the awful necessities, the destruction and carnage of war. But if the Stars and Stripes of our American banner shall ever go forth, followed by the sons of those venerated fathers, replacing the old Provincial flag of Massachusetts, beneath which fought and fell the men of Lexington—may it always be borne in the cause of God, as well as the cause of our country! And may every inscription on the burial places of our braves bear truthfully the legend: "*Sacred to liberty and the rights of mankind!*"

And now, Mr. Chairman of the Senate Committee, I have the honor to thank the gentlemen representing your honorable board, to whom it was my pride as well as my pleasure to send a brief message announcing the reception, by myself, from the executors of Theodore Parker, of these ancient, historic, and precious mementoes, for the patriotic alacrity with which you responded to my executive message; and, also, to render my cordial and hearty thanks for the interest manifested by the honorable house of representatives, as well as the senate, in this occasion, which connects the present hour with the achievements, the sufferings, and the brave patriotism of the men and the women of the Revolution.

Through my unworthy hands, being, by the favor of the people of Massachusetts, the representative of her executive department, it has come to pass that this venerable trophy of the valor of Captain John Parker, of Lexington, is to be transmitted to the senate. To your hands I present it. Let it be placed among the trophies which adorn the walls of the senate, to be held there for ever as the memento not only of a brave man, but of brave men and of heroic women, and also as a memento of the pious patriotism of that American scholar, by whose immediate gift it passes to the Commonwealth.

But ah, Sir! with what words, with what poor speech of mine, can I present this humbler musket which spoke by a word which was more than a deed, on Lexington Common on that immortal morning, for the cause of liberty, of God, and of mankind? With throbbing heart and beating pulse, and dewy eye, and trembling lip, I part with this precious

relic. Dear Sons of Liberty who fell on all the battle-fields of the Revolution from Lexington all around to Yorktown! dear shades of all our fathers whose hearts burned with a love broad as humanity, and patriotic bravery which no taunts, no threats, no powers could ever discourage or cause to falter! be present now, be present always, in every hour of your country's danger, in every moment when hearts grow faint and knees grow weak! Be *thou* immortal, hanging upon the senate walls! May the providence of God preserve thee from decay, thou precious relic of the first battle of our country's liberty, thou almost living and speaking witness to the blood of martyrs! And O! if in any degenerate hour Massachusetts should falter or quail, may some weird hand beat the old drum that hangs beneath the roof-tree of the senate, give aim to this arm which spoke for liberty on the morning of the 19th of April, '75, and may it march again before the conquering hosts of rekindled patriotism and reinvigorated purpose!

Take that, Mr. Chairman! preserve it as the Jews of old did the tables of the Law in the Ark of the Covenant!

I know, Sirs, that I need not accompany this gift with any oration. Our patriotism is rekindled, our hopes of our country and our race are revived, by every memory which brings up in fuller realization and remembrance the heroism and faith of those other men and other times. Keep these relics sacred, for ever, to the cause of God and of your country.

VALEDICTORY ADDRESS

OF

HIS EXCELLENCY NATHANIEL P. BANKS

TO THE

GENERAL COURT,

JANUARY 3, 1861.

The President of the Senate having received a communication from His Excellency the Governor, announcing his purpose to transmit to the Senate, for the information of the Legislature, an Address covering a review of public affairs, and suggestions based thereon, it was voted that His Excellency be invited to deliver the same in person to the two branches; the House of Representatives having concurred in said vote, a Joint Committee waited upon the Governor, who thereupon appeared in the Representatives' Hall, and delivered to the Senate and House of Representatives, in Convention, the following

ADDRESS.

Gentlemen of the Senate and
House of Representatives:

In many of the principal States of the Union, it is customary for the chief executive magistrate retiring from office to present to the legislature a statement of the condition of public affairs, with such considerations as his experience might suggest.

In every government in which the inauguration of the executive officer is coincident with the meeting of the legislature, this would seem to be in many respects a salutary

regulation. The Constitution of the United States requires that the president "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This is usually communicated at the commencement of the annual session, and so important is it, and so imperative the rule, from its utility and unbroken custom, that a failure to comply with the public expectation would seem like a violation of the Constitution itself.

So extended is the government of the United States, and so various its interests, that were the inauguration of the executive officer and the meeting of congress coincident, as in most of the States it is, it would be impossible for the president elect to enter upon his duties with a statement of such character as congress requires and the Constitution commands.

But with that felicity of adaptation to its purposes, which makes it appear, to us, like an inspired instrument; adjusting itself with inimitable accuracy, to the minutest and the grandest affairs of peace or war; expanding from ocean to ocean, and protecting Continents, as it governs Districts or States, the Constitution of the United States, probably without thought on the part of its framers, appoints the inauguration of the President at the close of a session, rather than the beginning, and thus offers to the incumbent the better part of a year to qualify himself for the important duties which custom and the Constitution together demand of him at the opening of a session.

The government of a State, in which the operations are less important and complicate, cannot be compared with that of the general government, but the practice to which I refer would be alike beneficial and convenient in both.

I well remember my own embarrassment, upon my induction into office, from a want of a comprehensive knowledge of the details of public business; and I doubt not my predecessors were oppressed by a public expectation which they did not feel competent to answer.

A retiring officer has also opportunity to present suggestions which personal considerations would forbid, either upon entering or while remaining in office.

Considerations of this character, the long continued custom of other States, and the fact, that many delicate and important subjects have been referred by the legislative to the executive department for settlement, which can be explained only by those familiar with the principles upon

which they have been decided, have led me, although it involves a departure from the custom of the State, to present to the legislature, upon my retirement, a statement of the condition of public affairs, and the motives by which I have been governed during my term of office.

I entered the office I now hold for specific purposes. My acceptance involved the resignation of a public position, than which none could be more acceptable, to which I had been repeatedly elevated by a most generous and confiding constituency, whose favor I shall never recall without emotion.

It was my desire, not less for the interest of those with whom I was associated, than of the State, to unite in public action all who were substantially agreed in opinion; and to avoid the common danger of our time, the necessity of surrendering that which is important and material, in consequence of differences of opinion upon subjects of no vital moment.

Differences of opinion previously existing between the different branches of the government and different parties in the legislature, necessarily led to the failure of many measures of more or less political significance and importance, and entailed upon the subsequent administration responsibilities much greater than would ordinarily arise. It is not my province, certainly not my desire, to attach to either party, nor to either branch of the government, the responsibility for this default.

Among the more important questions not arising during my administration, but entailed by those preceding, I may mention that of the Hoosac Tunnel; the continuation of the militia organization; the franchise of naturalized citizens; the controversy between the City of Boston and the State, concerning the Back Bay lands; the Act concerning the personal liberty law; the right of a Judge of this State to hold judicial office under the United States; the Eastern lands settlement; the question of boundary between Rhode Island and Massachusetts; the reduction of expenditures; the length of sessions, and many others of like character.

All of these subjects have been disposed according to our capacity and wisdom, with one exception, to which I shall specially call your attention. This is presented in a greatly modified form, and will not involve serious difficulty in its final adjustment. I am happy to say, that so far as I am aware, I leave to my successor the settlement of no important matter of legislative or executive character which has arisen during my administration.

It is my duty to acknowledge my obligations to the legislators of the three years past, without party distinction, for the attentive consideration that has been given to the suggestions I have presented. Between fifty and sixty of the recommendations I have made, have been adopted—many of them involving new principles of legislation and all of importance to the public service.

It is with pleasure, also, that I recognize the assistance rendered by members of the executive council, especially my obligations to his honor the lieutenant-governor, the attorney-general, and officers of the various departments of the government.

The financial affairs of the State are in a prosperous condition.

The revenue of the State during the last year amounted to		$1,015,000 00
The expenditures for ordinary purposes of government to	$1,005,000 00	
Expenditures for extraordinary purposes, not provided for,	180,000 00	
Making a total of		$1,185,000 00
And leaving a deficit unprovided for, of		$170,000 00
There remains unprovided for, on account of extraordinary expenditures, not anticipated or provided for during the year 1859, the sum of		100,000 00
Making a deficit for the years 1859 and 1860, of		$270,000 00

This deficit does not arise from the ordinary transactions of the State, and should not be charged to the current expenditures of any one year. They were incurred to meet extraordinary exigencies, but one of which is likely to occur again during a quarter of a century. This deficit includes a part of the cost of consolidating and printing the General Statutes; the cost of extirpating the disease among cattle; the valuation of estates; aid to the Wesleyan Academy; rebuilding the State Reform School, destroyed by fire, and the purchase of the Nautical School ship; permanent improvements of the yard and buildings of the State Prison, the protection of the Almshouses against fire, repairing and painting the State House and the cost of surveys of the Cape Cod Canal. The expenses incurred for these purposes, many of them unexpected and imperatively demanded, cannot justly be charged to the people during any one or two years, and ought not to be included in the cost of main-

taining the government during the past two years.* I transmit to the legislature the items expended for the purposes I have named, and recommend that the payment be provided for by an equitable apportionment upon the people for a term of years.

The revenue for the year 1861 is estimated at . . .	$760,000 00
The ordinary expenditures for the same year are estimated at	870,000 00
Leaving a deficit arising from excess of ordinary expenditures over ordinary income for the year, to be provided for by a State tax of	$110,000 00

The liabilities of the State for scrip issued in aid of railways, amount in the aggregate to $5,527,127.56. For the redemption of this scrip, the roads, franchises and property of the several companies is pledged; to which is added $1,708,000, existing in the form of sinking funds, which are increasing annually by the addition of interest, and one per cent. on the amount of the loans.

The permanent State debt, created for the erection of charitable institutions and other permanent objects, is now $1,289,000. The Debt Extinguishment Fund, based upon the reservation of shares of Western Railroad stock, now amounts to $1,252,000, and will soon exceed the debt, which becomes due in nearly equal sums from 1862 to 1874.

The condition of this debt, and the means provided for its liquidation, make it impossible that the credit of the State should under any circumstances be impaired. The railways which are pledged to the State, are valued at not less than $18,000,000, and with one exception are in sound condition, paying a handsome income, and increasing their traffic and value.

The assessed value of the property of the State just determined by the Committee of Valuation, whose judg-

* Consisting in part of

Consolidation of the Statutes, not provided for by scrip, .	$51,000 00
Extra Session Legislature, ...	20,000 00
Pleuro-Pneumonia, for Cattle destroyed, ...	30,000 00
Valuation Committee, ...	16,000 00
Wesleyan Academy, ...	22,000 00
State Reform School, ...	56,650 00
Nautical School Ship, ...	16,500 00
Public Buildings, 1860, ...	10,000 00
State Prison, ...	7,000 00
Extra Repairs on State House, ...	10,000 00
Surveying Cape Cod Canal, ...	2,500 00
	$241,650 00

ment will doubtless be approved by the legislature, is EIGHT HUNDRED AND NINETY-SEVEN MILLIONS DOLLARS, showing an increase in the last ten years of nearly THREE HUNDRED MILLION DOLLARS; and the industrial product of the people is not less than four hundred and fifty million dollars annually, in times of prosperity.

The entire debt of the State, including state, county, city and town debts, funded and unfunded, is $21,223,000.

There are very few civilized nations so lightly taxed for such valuable privileges, as the people of Massachusetts. The entire annual state, county and town tax of the people of Massachusetts, in the aggregate, is $7,650,000, or five dollars ninety-two cents for each person; and if to this tax we add the portion paid by Massachusetts of the revenues of the United States, including for this purpose the customs and postal expenses, which amount to $2,301,000, or two dollars sixteen cents for each person, it makes in the aggregate an annual tax upon the people of Massachusetts of $9,951,988, or eight dollars and eight cents for each person for the entire direct and indirect taxes of every department of this government, local, state and national.* The people of England are taxed nearly $5.00 per head; Spain pays about $4.00; France, $3.25; Russia, $1.50 per head, as a national tax alone, not including local assessments, which would very greatly increase the rate.

With such property, such income, debts so unimportant and taxes so light, compared with advantages enjoyed, it is impossible to conceive any condition of public affairs which could justly depreciate the financial credit of Massachusetts.

The schools and collegiate institutions have never been more prosperous. The State scholarships are filled by intelligent and studious young men, and every thing indicates that the people are receiving the full advantage of their wise appropriations for educational purposes.

The Museum of Comparative Zoölogy, of which the State is a liberal benefactor, was inaugurated in November. I

*Aggregate Taxes of Towns, 1858,	$6,820,116 00
" " Counties, 1860,	580,000 00
" " State, 1860,	249,995 00
Estimated Taxes of the United States Government,	2,301,877 00
Total,	$9,951,988 00
Total Tax,	$8 08 per capita.
United States Expenses,	2 16 " "
County, State and Town, (Mass.,)	$5 92 " "

transmit to the legislature, the proceedings upon that occasion. Its opening promises all that its most sanguine friends anticipated, and it already attracts the attention of scientific men everywhere, who predict that it will attain great fame among institutions of this character. I was gratified to learn from the director that nearly one hundred and thirty common school teachers are constantly in attendance upon the lectures.

The cost to the State of maintaining the almshouses, has been reduced from $171,000, to $120,000, in 1860. This has been effected by a vigorous execution of the laws relating to the legal settlement of paupers, and by rigid and wise economy in the management of the separate institutions.

The volunteer militia maintains its well established character. Order and disciple distinguished the encampments of the last year, with one exception. The number of men enrolled is 155,389, an increase of 3,277 since 1859. The number in active service is 5,592. There are 71 field pieces and 9,365 stands of arms, in the arsenal or distributed to the troops. The ordinary expenditure of the department of the militia was $59,520, being $3,980 less than the appropriation, and $4,537 less than in 1859. There is, however, an extraordinary charge in this department, for which I am responsible. During the last summer, His Royal Highness the Prince of Wales honored this country by a visit, accompanied by several eminent men of England. He was received with great respect in all parts of the Union which he visited, and in some instances most distinguished honors were conferred upon him.

His last visit previous to his embarkation at Portland, was at the capital of this State. Considering its relations in an earlier period of our history to the English crown, to which he is heir apparent, and the decisive part taken here in effecting the independence of the colonies, I thought it proper to manifest in a public manner, the respect and attachment we have for the mother country, with which we still have so many ties of language, literature, law and liberty, and especially for its distinguished sovereign.

The visit of one standing in such important relations to the British empire, gifted with a faculty of quick observation, a keen sense of justice, and manifesting warm interest in our institutions and people, could not be otherwise than advantageous to the growing intercourse between Englishmen and Americans. He reviewed a portion of the troops of the State on the 17th of October. This was the only ovation in honor of the Prince in which the people generally

participated. No expenses were incurred except for compensation to the troops, which amounted to $7,271.

The sales of Back Bay lands during the past year will enable the government partially to carry into effect the law in aid of the school fund, the Museum of Comparative Zoölogy, and other educational institutions. Improvements are rapidly progressing, and liberal sales will undoubtedly be effected during the present year.

In the early part of the last year, so unpromising did the property appear, that sales were impossible at satisfactory prices. It is my belief that some occupants of the lands would gladly have abandoned their purchases. The commissioners, by grading the streets, grassing the lands, and other improvements, altogether changed its appearance, and gave to it increased value. The sales already made will leave the sum of $100,000 to be apportioned among the educational institutions in August next as follows:—

50	per cent.	to the	School Fund,	$50,000 00
20	"	"	Museum of Comparative Zoölogy,	20,000 00
12	"	"	Tufts College,	12,000 00
6	"	"	Williams College,	6,000 00
6	"	"	Amherst College,	6,000 00
6	"	"	Wesleyan Academy at Wilbraham,	6,000 00
				$100,000 00

The State Prison exhibits a very gratifying improvement in its financial management, and in every respect is in excellent condition. Many improvements have been made for the comfort and health of prisoners. These have added to the public debt, on account of the prison, $11,200, of which $5,700 was expended for windows to give additional light and air, and $5,500 for an extension of the yard and prison walls.

For the first time for many years, the receipts of the prison exceed its expenses. In 1857, there was a deficit of $23,778; in 1859, of $9,173; the past year exhibits an excess of receipts over expenditures, of $504.86. The expenditures during this period have been reduced from $96,955 to $80,243. The receipts have been increased from $73,167 in 1858, to 80,747, in 1860. During the last year there has been a larger number of convicts than at any time since the prison was erected, and it may also be remarked that the cost of provisions during the last year has not been less than heretofore. The increased number of convicts is accounted for by the diminished number of pardons, which have been

reduced from twenty-nine in 1857, to nine in 1859, and eleven in 1860.

The warden says in his report, that

"The financial success of the prison, has not been achieved by pursuing a penurious course in reducing the quantity or quality of either provisions or clothing. Neither has it been done by sacrificing the discipline of the institution; if such was the fact, our prosperity would be dearly purchased; but on the contrary, I have no hesitation in assuring you that whatever may have been our success pecuniarily, it has ever been held a secondary consideration, and on all occasions made subservient to the first and most important questions of discipline and reformation. It has been accomplished simply by systematizing our affairs, by attending personally to the buying of the articles necessary for our consumption, in keeping the men constantly employed, and in having those around me whose feelings and interests were identified with our prosperity."

There is less crime at the present time than heretofore. A marked evidence of the decrease of crime, is found in the diminished number of re-commitments. Of 198 commitments to the State Prison in 1858, thirty-one were re-commitments; in 1859, twenty-four out of 163, and in 1860, but fourteen out of 144.

A still more decisive proof is found in the records of convictions. In five years ending 1852, the number of convictions was 1,818. In the five years ending 1857, the number was 1,651, showing an average annual decrease of 171. The recent facts are more striking still. In 1858, the convictions were 1,573; in 1859, there were 1,438; in 1860, there were 1,369; a decrease in these three years of 204.

The results exhibited by the records are confirmed upon inquiry, by officers of courts, prosecuting attorneys and judges. It must be said also that trials are more speedy and convictions more frequent than formerly; and it is well established that railways, telegraphs, the rapid diffusion of intelligence by modern improvements, and superior police systems, make escape from arrest much more difficult than ever before. I am unable to account for this decrease of crime, but it speaks in behalf of our systems of education, public instruction and police supervision. I commend these facts to the attention of the people.

The long-pending question of boundary between this Commonwealth and the State of Rhode Island, which has been a subject of controversy since the adoption of the Federal Constitution, and for the settlement of which judicial proceedings were instituted in the supreme court of the United States nearly ten years ago, has been adjusted by the adoption of a conventional line. By authority of a resolve of the

general court, of April 5, 1859, the attorney-general and the counsel for the Commonwealth were authorized, subject to the approval and direction of the governor and council, to negotiate for the settlement of the judicial controversy by the adoption of such a line, to be confirmed by a decree of the court; and by act of congress of 1859, the attorney-general of the United States was authorized to intervene in the proceeding, and to assent to the same upon the part of the federal government, it being provided that such line, so assented to and confirmed, should be thereafter taken and deemed to be the true line of boundary between the two States. The counsel for this Commonwealth proceeded at once to discharge this trust, and a line was agreed upon by the counsel for the two States, which was materially modified by the legislature of Rhode Island. But the line, as modified, having been assented to and recommended by the counsel for the Commonwealth, it has been approved by the executive department, and by an order in council the legal representatives of the Commonwealth have been directed to take the necessary steps for a final adjustment of the controversy in the supreme court, by the entry of a suitable decree. The details of this agreement are set forth in the communications of the attorney-general and the counsel for the Commonwealth, in the order in council, and the Act of the general assembly of Rhode Island, copies of which will be transmitted to the legislature.

The adjustment of this controversy has proceeded upon the principle of establishing a line which shall accommodate the altered necessities of the people of the two States, giving to Rhode Island that part of the territory of Massachusetts which adjoins and is dependent upon the enterprising city of Providence, and to Massachusetts that part of Rhode Island which is now separated from our own city of Fall River by an extremely inconvenient and artificial boundary. At the same time precautions have been adopted for properly preserving and protecting the rights of property of individuals and corporations on each side. This change of line will call for auxiliary legislation at an early day.

By a Resolve approved December 27, 1859, the governor and council were "authorized to adjust, compromise, and finally settle all the notes and claims of the Commonwealth in relation to the Maine lands, on such terms as the interests of the Commonwealth may require, and as may be just and equitable to the parties." After a very careful examination of this subject by a committee of the council, and a full discussion of the value of the claims of the State, and the

condition of the parties, it was agreed that the sum of $75,000 secured to the Commonwealth would be a full equivalent for the claims under consideration at this time. The council came to the conclusion upon examination of the accounts and the present value of the lands sold. It was ascertained subsequently, upon examination by the attorney-general, that the lien reserved by the State would probably prove defective, and this strengthened their previous opinion. A settlement was made with the parties upon payment of $25,000 in cash and $50,000 in one and two years,—the government retaining all the securities it now has. I transmit the report of the council to the legislature for its consideration.

The superior court, established by Act of the legislature in 1859, has made marked improvement in judicial proceedings, and in the dispatch of public business. In nearly every county, causes are tried during the term of entry, if parties are ready, and no complaint of unreasonable delay is heard. The number of judges is one less than that of the former superior and common pleas courts. It is sufficient, unless sickness should disable one or more members, when the public business must suffer. It will be worthy consideration whether on this ground an additional judge should not be assigned to this court.

No payment has been made from the sum set apart in the treasury under the name of the 'emergency fund.'

The Act of 1858 "to increase the amount of specie in the Commonwealth," by restraining the banks from making loans when their specie is less than fifteen per centum of their liabilities, has operated favorably. In the recent financial crisis, the lowest aggregate amount of specie in the Boston banks exceeded by more than eleven hundred thousand dollars the amount to which it was reduced in the memorable crisis of 1857, notwithstanding their accommodations to the business community, by loans, has not been at any time less than twelve millions in excess of the lowest amount of loans at that period—the increase of capital being about half that amount.

The official reports represent the banks of the Commonwealth to be in a sound condition, but I believe any legislation that would increase the proportion of specie to the extent of one-third of the liabilities of the banks would increase their security to the public and their ability to accommodate the business community without diminishing the profits to their stockholders.

It is well known to the members of the legislature that this State has had an unsettled war claim against the government of the United States for nearly half a century. In 1859, a payment of $272,000 was obtained, leaving a balance due to the State of $140,000, to which must be added $117,000, interest upon the original claim of $843,000, paid out of the treasury of the State, previous to 1817. The alleged ground of delay in recognizing this just claim has been the deficiency of evidence to justify portions of the war account.

A portion of the original documents relating to the war have recently been found among the papers of General William H. Sumner, who will probably give the State any advantage it may desire from these documents, either in authenticating the claim now made, or in substantiating the documentary evidence heretofore presented.

General Sumner was actively engaged during the war, and at its close became the agent of the State for the prosecution of the war claim at Washington. He served as aid to Governor Strong, and superintended the sea-coast defences in Maine, and served upon the military board at Washington in 1826. He has also communicated to me his desire to present to the State a family portrait of General Gage, Governor of Massachusetts at the time of the Revolution.

I very earnestly recommend the appointment of an officer to act as private secretary to the governor. Knowing as I do the necessity for such assistance, I should do injustice to my own feelings did I not press the subject upon the attention of the legislature, as one of importance in itself, to which no incumbent of the office of governor will feel at liberty to speak. I feel it my duty to suggest also, that the attempts sometimes made by carefully prepared phraseology, to place minor State officers, out of the control of the governor and council, are mischievous and inoperative. The legislature cannot place a subordinate officer beyond the influence of the executive, unless it be done by express declaration of law for that purpose. Yet they are often misled, by language which seems to imply that result but does not effect it. Legislation made positive in such cases, will be for the public advantage.

Forty-nine pardons of persons committed for crime have been granted during the year. The reasons for this clemency are given in a report upon this subject. The diminished number of pardons has had a good effect upon prisoners, and upon the discipline of prisons. There is a change in

the character of convictions and sentences, which is due to the course pursued in regard to pardons in some measure. Juries rely less upon chances of pardon than formerly; and in eighteen months past the average length of sentences is diminished one-fifth—an average of four years instead of five years, for the eighteen months preceding. As an inducement to good behavior, the governor and council gave to the warden the privilege of recommending two convicts for pardon, in cases where very marked mental or moral improvement had been exhibited. One was pardoned on Thanksgiving day, the other on New Year's. This practice, if continued, will enlist all the inmates in the work of promoting good order in the prison.

The state house in which the legislature holds its sessions was erected in 1795, and first occupied in January, 1798. Its legislative halls, for the purposes designed, cannot be surpassed. The building itself is the central figure of the extensive and beautiful valley of the Charles River, as it is also when seen from the harbor. No one who approaches it from any direction can fail to be impressed by its harmonious proportions, graceful outline, and commanding position.

The commissioners who have superintended the work recently done, are entitled to commendation. But in one aspect, it presents an unfinished appearance.

If the dome were gilded, it is said by those of artistic and travel-improved taste, it would equal in beauty any public building in Europe. The cost of such improvement would be $5,500. It would last without protection ten years, and might be made to stand for a longer term. No other equivalent improvement of the capitol could be effected by so slight an expense. The city of Boston contributes largely to the charges for internal improvements in the distant parts of the State, and the interior counties of the State could gracefully return the courtesies of the metropolis, by contributing to the architectural improvement I have suggested.

During the first year of my administration, I recommended to the legislature the revision of the Act for the protection of personal liberty by the repeal of some of its objectionable features. I limited my objections to such provisions as imposed serious disabilities upon the citizens of the Commonwealth in derogation of their rights and the duty of the State to them.

The amendments I suggested relieved our own citizens, who, in the exercise of their own lawful pursuits, or under the orders of the government itself, might contravene its

provisions and subject themselves to expensive prosecutions, or dishonorable discharge from public service. It was all I was then able to obtain from the legislature. Since this period the pendency of legislation in harmony with the original law has prevented recurrence to this subject. The important events of the time now imperatively demand further consideration of the statute.

Legal advice is sometimes sought for the purpose of ascertaining to what extent prosecution can be avoided or impeachment prevented, rather than the discovery of what is just and right. Adopting rules of construction which would govern States standing in jealous or hostile attitudes, this Act, as it now stands, although operating in an unfriendly spirit against one of the laws of the United States, and pressing the rights of the States to the extremest limits, might be said not altogether to transcend the powers of the legislature. But there is one provision of the *habeas corpus* Act which cannot, within any reasonable rules of construction, be so regarded. I refer to the sections relating to, and regulating, the trial by jury.

The Constitution of the United States declares that "the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." It is a writ, therefore, to which resort may be had in all cases.

There are offences, for the punishment of which provision is made by State and Federal governments, and, in such cases, whenever any person is brought before the courts of either government it is the province of the court to recognize the jurisdiction of that government having the offender in its possession by priority of arrest or prosecution; but where the process, statute and jurisdiction is exclusively in either government, the other must surrender any claim to control the procedure, or qualify the final judgment.

By the Constitution of the United States; "No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The legislature of this State has not attempted by legal enactment to give effect to this constitutional provision. It is true, that the statute authorizing the writ of personal replevin provides, that in proceedings under such writ, if it appears "that the defendant is entitled to the custody of the plaintiff as his child, ward, servant, apprentice, or other-

wise, he shall have judgment for a re-delivery of the body, to be held and disposed of according to law."

But this statute was not intended to carry into execution the constitutional provisions for the rendition of fugitive slaves, neither would it be admitted that the courts to which such writ should be returnable would be required to return a fugitive slave to the person to whom his labor or service might be due. Such a disposition would not be "according to law" of this State. We have, therefore, no statute law to give effect to this provision of the Constitution, and we cannot under our own legislation even, claim, as in some other cases, a common jurisdiction to be determined by precedence of arrest or other cause.

The supreme court of the United States has decided that the power of legislation upon this subject is exclusively in congress. It declares that the clause of the constitution contemplates the existence of "a positive, unqualified right on the part of the owner of the slave which no State law or regulation can in any way qualify, regulate, control or restrain."

This opinion was pronounced for the court by Mr. Justice Story; it has been approved by the legislature of this State, and confirmed by its supreme judicial court. Congress has exercised the exclusive power claimed for it, and it must be admitted that its enactment upon the subject of fugitives from service or labor cannot be annulled, restricted, or controlled by State legislation.

I invite Senators and Representatives, then to look at the operation of the sections of the chapter of the General Statutes, relating to the writ of *habeas corpus*, to which I have referred.

In the first place, they refer to fugitive slaves. No presumption shall arise in behalf of the claimant, it is said, "from proof that the alleged fugitive, or any of his ancestors had been actually held as a slave, without proof that such holding was legal." (§ 21.)

"When it appears by the return of the officer *or otherwise*, that the person whose restraint or imprisonment is in question, is claimed to be held to service or labor in another State, and to have escaped from such service or labor, the court or justice shall, on the application of any party to the proceding, order a trial by jury, *as to any facts stated in the return of the officer or alleged*, and may admit said person to bail in a sum not exceeding two thousand dollars." (§ 19.)

"If one jury disagrees, the issue may be submitted to another jury, or continued to the next term." (§ 20.)

In every case of disagreement, another jury may be summoned and qualified "forthwith, or at a *future day*." (§ 20.) The court or justice is authorized to admit the person whose service or labor is claimed, to bail. (§ 19.) The jury is authorized to decide "as to any facts stated in the return of the officer or alleged." The words "or alleged" must be understood to mean, alleged by any party to the proceeding; for the jury may be demanded by either party. The construction of a law for the protection of personal liberty should be in favor of personal liberty. No construction of a statute which defeats its obvious ends, can be authorized or just when a different construction equally accordant with the words and sense, will enforce and protect them. The proceeding opens to the jury every question involved in the general issue, even to the "proof that the alleged fugitive or any of his ancestors was or had been held as a slave, and that such holding was legal; and the jury, by special provision is invested with the power of juries in criminal cases, to decide both the law and the fact."

It may be that cases may arise to which these provisions may be constitutionally applied, but it does not seem to me that they can be held, in any view, not to interfere with and control the course of procedure, under a constitutional provision and statute which the Supreme Court of our own State, and that of the United States hold to be exclusively in the power of Congress.

It is not my purpose to defend the constitutionality of the Fugitive Slave Act. The omission of a provision for jury trial, however harsh and cruel, cannot, in any event, be supplied by State legislation.

While I am constrained to doubt the right of this State to enact such laws, I do not admit that in any just sense it is a violation of the national compact. It is only when unconstitutional legislation is enforced by executive authority, that it assumes that character, and no such result has occurred in this State.

No State on the Continent has been more faithful to her constitutional duties as a government, and especially under the Fugitive Slave Act. Her judicial tribunals and her legislature have acquiesced in and confirmed the decisions of the supreme court of the United States, in the case to which I have referred.

Her highest court has enforced the law of congress passed in pursuance of that decision, unnatural and unjust as some

of its provisions seem to be. She has upheld the decisions of her own courts, recognized the decrees of the magistrates of the United States, and the rights of claimants of other States, which deny to our citizens their lawful rights. She has sustained them all by the strong arm of executive power, though the struggle has chilled her warm and generous heart. She has honored, indiscriminately with other citizens, those who at the bar enforced the rights of claimants, or as soldiers protected them in the possession of property to which they had legal rights, without power to maintain their possession. It is true, that she has not thought it expedient that important offices in the State and National governments should be filled by the same man at the same time, and I cannot but approve her wisdom.

Not only the courts, but juries, have given unimpeachable evidence of their devotion to the law. When the master of a vessel kidnapped a colored man in one of the maritime counties, and sent him, without authority, precept, or officer, into slavery, so tenacious was a Massachusetts jury of the rights of parties, and so true to their duty as men, that under the instructions of a Judge whom I thought worthy of the highest judicial commission, they acquitted the offender, upon the technical plea that the crime was not committed in the same county where the cause was tried, and placed upon the files of the court a verdict that the accused was "*not guilty*, by want of jurisdiction."

It is doubtless true that violence and crime have sometimes attended the performance of these harsh duties. It is equally true, that the same manifestations attend, at times, the execution of our own laws, by our own officers.

It became my duty to recommend to the legislature of 1859, the modification of the law of 1858, relating to the high crime of murder, so far as to include the murder of an officer in the discharge of his duty, by express enumeration, in the class of murders of the first degree, and I understand the attorney-general renews the recommendation in his report the present year. It is not remarkable that a single officer of the government of the United States should incur the dangers that surround our own. It was in consequence of these crimes, occurring in the execution of National and State legislation, that the change in the criminal code was suggested. I do not hesitate to say, that as a government, in every sense, Massachusetts has been faithful to her constitutional duties.

It is because she has been thus faithful, that I desire to see her legislation in harmony with her acts. It is because

I do not like to see her representatives in congress, and her sons everywhere, put upon the defensive, when they have just cause to be proud of her loyalty; it is because, in the face of her just claims to high honor, I do not love to hear unjust reproaches cast upon her fame, that I say, as I do, in the presence of God, and with a heart filled with the responsibilities that must rest upon every American citizen in these distempered times, I cannot but regard the maintenance of a statute, although it may be within the extremest limits of constitutional power which is so unnecessary to the public service, and so detrimental to the public peace, as an inexcusable public wrong. I hope by common consent it may be removed from the statute book, and such guaranties as individual freedom demands, be sought in new legislation.

It is said, I know with some reason, that no change would satisfy men engaged in treason and rebellion. We ought to remember, however, that South Carolina presents this class of laws in her counterfeited Declaration of Independence, as the first great wrong her people have suffered, and that the removal will obviate her first cause of complaint which is made the basis of every other substantive grievance.

It is said also, that the time is not propitious, that it does not become Massachusetts to act under threats. Every State maintains its own dignity by doing what is right. A State that under threats of coercion, does what is wrong, does not greatly suffer in comparison with another, that under similar plea, refuses to do what is right; there is a difference in process, but the difference in results is not worth contest. Besides, this is not an accepted American doctrine.

When France refused to pay an indemnity secured to us by treaty, under the pretence that she had been threatened with war by a President of the United States, her excuse was not received as a sufficient explanation. The president threatened her again. Congress supported his declarations by a war appropriation, and England, as arbitrator, compelled France to fulfil her treaty stipulations. In fact, the comity of States furnishes no such reason for not doing what is just; and rulers are permitted less than others, to swerve under the influence of bribes or menaces from the direct and exact line of right.

The topic presents considerations of policy also. The difficulty in government, as in life, is to ascertain what is right. It is easier to follow than to divine the line of right, as wisdom is a higher quality than courage; and the world is full of proofs that an obstinate adherence to that which is impracticable, indefensible and immaterial, often compels

the truest and boldest men to surrender that which is just in itself and vital to their cause. Our experience in this regard will not differ from that of other men.

There are men suddenly lifted from indigence to affluence, who never forget poverty in the presence of plenty. So men long accustomed to rough government do not readily comprehend the policy of rulers, and reluctantly surrender the imperfect machinery of opposition for the greater powers and higher honors of administration. There may be equal advantages in the right of opposition or administration according to the preferences or constitutions of men, but it will be difficult for the same person or party to monopolize both. If we claim the right to administer law, let us abandon the machinery intended to obstruct it.

Conciliation and coercion are twin powers. They grow out of and into each other, and neither is perfect by itself alone. "Who demands equity must do equity"—is a maxim as old as the civil law,—not merely because it is justice, but because it is power also. And I firmly believe that so little difference of opinion,—not as to men, perhaps, or parties, as to which misrepresentation and excitement may mislead us,—but as to what is right, upon the individual and honest judgment of the American people, has never before existed. Certainly never an act, so slight in itself, touched the hearts of so many millions of people, like fire from Heaven, as the recent simple, soldier-like and patriotic movement of Major ANDERSON at Fort Moultrie. It shows that there are chords which still touch the universal heart; and if those who occupy stations that are loftier only when filled by greater men, could, either by accident or inspiration, have anticipated or answered the national chords so lately touched, with the patriarchal tenderness and the inflexible spirit of JACKSON, think you any man South or North would have halted in his admiration, however he might have faltered in instant obedience?

Could it be instilled into every heart by any power, human or divine, that the laws of the land were to be enforced until they were changed, and that protection and security for persons and property which the Constitution and laws guarantee secured to the people in the States where they reside, I am persuaded that this simple inspiration, which every one confesses, would lift the clouds that lower upon us, and the resplendent sun of peace would again beam upon our land. But misrepresentation, falsehood, calumny, perhaps make such expectation impossible.

While I would not withhold from the South what belongs to that section, I cannot consent that we should yield what belongs to us. The right to the territories, so far as the people are concerned, must be a common right, and their *status* should be determined upon the rights of men, and not upon privileges of property. To base the fundamental ideas of government upon property is to change the purposes of government, and to establish the basis of that property upon the right to hold slaves, is to exclude the people of non-slaveholding States altogether. It has never been conceded as a right, and it ought not now to be acknowledged. There is no species of property entitled to such protection as will exclude men from territories aside from all considerations of property. Neither do I believe that a geographical line will give peace to the country. It must either by express agreement be restricted to territory now in our possession, and not to be applied to that hereafter obtained, or the establishment of such line in itself would be a signal for the acquisition of foreign territory in the south at the cost of foreign war, and the renewal of contests for its possession and control, when acquired at the expense of domestic peace. That the lapse of time alone, will heal all dissensions upon this subject is shown by the efforts made to precipitate a revolution in order to secure advantages that otherwise must fail.

The doctrines that accompany these revolutionary demands are as false and fatal as those for the defence of which revolution is organized.

There can be no peaceable secession of States. Whether the government is a compact between States or a union of the people, it is, nevertheless, a government, and cannot be dissolved at the bidding of any dissatisfied party. It has pledged its faith to the people of every land, and that pledge of faith cannot be broken. It has been sanctified by the sacrifice of the best blood of the people, and that sacrifice has made it a nation, indissoluble and perpetual. Neither can that portion of the continent now occupied by the American States be portioned out to hostile nations. By war and by purchase every part of the country has acquired indefeasible and perpetual rights in every other part. The interior will never allow the keys of the continent on the ocean and gulf shores to pass into the hands of an enemy, nor can the maritime cities or States exist independent of the good will and support of the plantation and farming communities of the interior. And though we should assent to the unnatural and treasonable separation, the generations

that succeed us would contend for centuries to recover their rights until conquest or annihilation ended the struggle.

But no such result can follow as the destruction of the American government. The contest will be too terrible—the sacrifice too momentous. The difficulties in our path are too slight—the capacity of our people is too manifest, and the future too brilliant to justify forebodings, or to excite permanent fears. The life of every man is lengthened by trial, and the strength of every government must be tested by revolt and revolution. I doubt not that the Providence of God, that has protected us hitherto, will preserve us now and hereafter.

Gentlemen of the Senate and
House of Representatives:

I withdraw from the office I hold without regret. To one who follows out faithfully and earnestly the many ties that bind this government to the people, it brings a burden of care, anxiety, and labor, which more than counterbalance the high honors it confers on any man.

My separation from the people of the State, excites a different and deeper feeling. It is still, however, a satisfaction to know, that to whatever part of the country I may go, I shall still stand within the circle of her influence, and in whatever pursuits I may be engaged, the enduring monuments of her far-reaching sagacity, her enterprise and capital, will everywhere surround me to remind me of my origin, and her fame and power. GOD BLESS THE COMMONWEALTH OF MASSACHUSETTS!

TABLE

Showing the Whole Number of Convictions in the Court of Common Pleas and Superior Court for three years.

OFFENCES.	1858.	1859.	1860.*	TOTALS.
Against the person feloniously, . . .	60	74	82	216
" " " not feloniously, . .	241	226	236	703
" property, ...	579	473	421	1,473
" the currency and other criminal frauds, ...	61	41	42	144
" public justice, ...	20	23	9	52
" the public peace, ...	2	7	9	18
" chastity, morality and decency, .	212	231	234	677
" public policy, ...	383	338	311	1,032
Other offences, ...	15	25	25	65
Totals, ...	1,573	1,438	1,369	4,380

* For year ending September 30, 1860, and including the last three months of the year 1859—the cases within those three months being returned for both years in this table. See Address to Council, 1859, p. viii., for earlier records of convictions.

ACTS AND RESOLVES

PASSED AT THE

SECOND SESSION

OF THE

General Court

IN

1861:

TOGETHER WITH

THE GOVERNOR'S ADDRESS.

☞ The General Court of 1861, in virtue of a Proclamation of His Excellency the Governor, assembled in the State House on Tuesday, the 14th day of May, to deliberate upon the condition of Public Affairs in the United States, and was prorogued on Thursday, the 23d day of said month.

ACTS,

SECOND SESSION,

1861.

AN ACT TO PROVIDE FOR A SINKING FUND. *Chap.* 209

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Treasurer to report issue of scrip, and U. S. scrip received.

SECTION 1. The treasurer and receiver-general shall, on the first day of January, in the year eighteen hundred and sixty-three, make a report to the legislature of the Commonwealth, of all scrip or certificates of debts issued pursuant to an act entitled "An Act to provide for the maintenance of the Union and the Constitution," and the act in addition thereto, passed at the present session of the legislature: he shall at the same time report the amount of all scrip or certificates of debt of the United States which shall have been received by this Commonwealth, from the United States, under the provisions of said acts or of either of them, and of the actual market value of said scrip or certificates of debt at the date of such report. All scrip or certificates of debt received under the provisions of said acts respectively, shall be pledged and held as a part of the sinking fund hereby created; and the principal of the same shall be applied for the redemption and payment of the scrip or certificates of debt issued under the act in pursuance of the provisions of which the same was received.

Scrip and use of defined.

Taxation for redemption of scrip, how determined.

SECTION 2. There shall be raised by taxation, in each year, commencing with the year eighteen hundred and sixty-three, a sum equal to one-tenth part of the difference found by the report of the treasurer as above provided, to exist, between the amount of scrip or certificates of debt issued under said acts, and the actual market value of the amount of scrip or certificates of debt in the treasury of the Commonwealth, or stated in such report; and the sum so raised from year to year shall be pledged and held as a sinking fund, to be invested as the legislature shall direct,

and applied for the redemption and payment of the scrip or certificates of debt issued by this Commonwealth, under the acts in the first section mentioned. *Approved May* 21, 1861.

Chap. 210 An Act in relation to the police court of the city of boston.

Be it enacted, &c., as follows:

Special justices, appointment, powers and compensation.

Section 1. The governor may, with the advice and consent of the council, appoint and commission two special justices of the police court of the city of Boston. Either of said special justices may, upon the request of the justice of the police court whose duty it may be in rotation to hold any term of said court, or in case of the sickness or absence of such justice, or a vacancy, then upon the request of the other justices of such court, hold any term thereof: such special justices shall receive no compensation from the Commonwealth, but shall receive from the justice whose duty they perform a proportionate part of his salary for each day's service.

Section 2. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 211 An Act to amend chapter one hundred and ten and chapter one hundred and ninety, of the acts of the year one thousand eight hundred and sixty-one.

Be it enacted, &c., as follows:

Tax in North Reading, how apportioned.

Section 1. Chapter one hundred and ten of the acts of one thousand eight hundred and sixty-one, is hereby so amended that the amount apportioned according to the provisions of said act, of a tax of one thousand dollars upon the town of North Reading, in the county of Middlesex, shall be sixty-six cents.

State tax for 1861.

Section 2. Chapter one hundred and ninety of the acts of one thousand eight hundred and sixty-one, is hereby so amended that the tax assessed upon said town of North Reading, as its portion of the state tax for one thousand eight hundred and sixty-one, shall be one hundred and ninety-eight dollars.

Section 3. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 212 An Act to repeal chapter forty-three of the acts of the year eighteen hundred and sixty-one.

Be it enacted, &c., as follows:

U. S. notes, act for indorsement repealed.

The act entitled An Act to authorize the treasurer and receiver-general to indorse notes of the United States, being chapter forty-three of the acts of the year eighteen hundred and sixty-one, is hereby repealed. *Approved May* 21, 1861.

An Act to enable banks to purchase government securities. *Chap.* 213

Be it enacted, &c., as follows:

Section 1. Loans directly made by any bank to the Commonwealth or to the United States, and notes or scrip of the Commonwealth or United States, held by any bank and directly purchased by such bank from the Commonwealth or United States, shall not be deemed debts due within the meaning of the twenty-fifth section of the fifty-seventh chapter of the General Statutes. "Debts due," certain securities excepted from.

Section 2. This act shall take effect upon its passage.

Approved May 21, 1861.

An Act in relation to the case of Levi Baker *versus* Henry A. Wise, governor. *Chap.* 214

Be it enacted, &c., as follows:

Section 1. The governor, with the advice of the council, is hereby authorized to take such measures as in his judgment may be necessary, to cause an appeal to be taken from the judgment of the court of appeals of the State of Virginia, in the case of Levi Baker *versus* Henry A. Wise, governor of Virginia, and such measures as he may deem necessary to insure the prosecution of such appeal, before the supreme court of the United States. Executive may cause appeal to S. J. C. of U. S.

Section 2. This act shall take effect upon its passage.

Approved May 21, 1861.

An Act to amend section third of the act to secure a uniform description and appraisal of estates in the commonwealth, for the purpose of taxation. *Chap.* 215

Be it enacted, &c., as follows:

The third section of the one hundred sixty-seventh chapter of the acts of eighteen hundred sixty-one, is hereby amended so as to require that the assessors shall fill up the table of aggregates, by inserting under the *third* head, the total value of personal estate; and under the *fourth* head, the total value of real estate. *Approved May* 21, 1861. Table of aggregates.

An Act to provide for the maintenance of the union and the constitution. *Chap.* 216

Be it enacted, &c., as follows:

Section 1. The contracts, obligations and agreements heretofore made by the governor or the executive council, or any officer or person, with his or their sanction and authority, and all expenditures, payments and disbursements made by the governor or the council, or under his or their authority and direction, for the furnishing of troops for the defence of the United States, or for arming, equip- Acts of governor in furnishing troops, ratified.

ping and disciplining, and for the transportation and subsistence of the militia of this Commonwealth, or in any way connected therewith, are hereby ratified and confirmed, and all acts done by the governor and the council, or under his or their direction, are hereby approved, ratified and confirmed.

Discretionary power conferred upon executive.

Section 2. The governor, with the advice of the council, is hereby vested with full power and authority to take such measures as may be deemed best to provide for the arming, equipping and disciplining, and for the transportation and subsistence of so much of the military force of this Commonwealth as may, in his judgment, be needed for defending, sustaining and maintaining in its full integrity, the authority of the government of the United States, and the constitution and laws thereof; and to this end he may, with the advice of the council, appoint and commission all needful officers and agents, and may fix their rank and pay.

May appoint needful officers.

Powers to negotiate with United States, conferred.

Section 3. The governor and council are hereby authorized and empowered to negotiate, adjust and settle all questions, accounts, matters and things between this Commonwealth and the United States, in any way arising from or growing out of the contracts and expenditures in the preceding sections mentioned, and out of the expenditures which may be made under the provisions of any act to provide for the public defence, or for the discipline and instruction of a military force.

May pay troops and arrange for remuneration with U. States.

Section 4. The governor, with the advice of the council, is hereby authorized to pay out of the fund created under this act, any of the troops of this Commonwealth which have been or may be mustered into the service of the United States, during the whole or any part of the time of such service, and to make any arrangements for the reimbursement of such payments out of the treasury of the United States, as may be agreed upon between him and the federal government.

Union Fund, creation of, and issue of scrip authorized.

Section 5. For the purpose of meeting the expenses incurred and to be incurred under this act, and any act to provide for the public defence, or for the discipline and instruction of a military force, in the third section of this act mentioned, there shall be created a fund which shall be called the Union Fund; and the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three millions of dollars; and the proceeds of such scrip so issued shall be passed to the credit

of said Union Fund, and the same is hereby appropriated for the purpose of paying all liabilities incurred or to be incurred under this act and the acts herein mentioned; and the governor is authorized, from time to time, to draw his warrant upon the treasurer for so much as may be needed.

Interest, rate of and how payable.

Section 6. Such scrip or certificates of debt shall bear interest not exceeding six per cent. per annum, payable semi-annually, on the first days of January and July in each year, and may be issued at such times and in pieces of such amount, as shall be fixed by the governor and council. All such scrip issued in pieces of five hundred dollars or over, shall have interest warrants attached thereto signed by the treasurer. Scrip for smaller sums shall be issued without such warrants, but bearing interest payable semi-annually on presentment to the treasurer. Such scrip or certificates of debt shall be redeemable in not less than ten nor more than thirty years from the first day of July, A. D. eighteen hundred and sixty-one, and not more than five hundred thousand dollars shall be redeemable in any one year; and the same shall be countersigned by the governor, and be deemed a pledge of the faith and credit of the Commonwealth; the treasurer may, from time to time, dispose of so much of the same as shall be required, under the direction of the governor and council, and for that purpose shall advertise for proposals for so much of the same as may be needed, bearing interest at a rate not exceeding six per cent. per annum.

Redemption of scrip.

Disposal, treasurer to advertise for proposals.

Section 7. This act shall take effect upon its passage.

Approved May 21, 1861.

An Act in addition to an act to provide for the maintenance of the union and the constitution. *Chap.* 217

Loyalty affirmed.

Whereas, The people of Massachusetts regard with like feelings of loyalty and affection the government of the United States, and that of their own Commonwealth, and deem it fit that the arm of each should be strengthened by all which the other can give:

Emergency contemplated.

And whereas, Some emergency may arise, during the recess of the legislature, in which the aid of Massachusetts may be of service to the general government in its financial arrangements: therefore

Be it enacted, &c., as follows:

Governor may direct issue of scrip, payable in London or Boston.

Section 1. The governor, with the advice of the council, at any time during the recess of the legislature should such emergency arise, is hereby authorized to direct the treasurer and receiver-general of the Commonwealth to issue scrip or

certificates of debt in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for such sums not exceeding in the aggregate the amount of seven millions of dollars, payable at such times and with such interest, not exceeding six per cent. per annum, as the governor, with the advice of the council, may direct. Said scrip or certificates of debt may be expressed in the currency of Great Britain or of the United States, and made payable in London or Boston, as the governor, with the advice of the council, shall direct; the interest shall be payable semi-annually, and interest-warrants, signed by the treasurer and receiver-general shall be attached thereto. Said scrip shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

May loan to, or exchange scrip with, U. S. government.

Section 2. The scrip to be so issued may be sold in such manner as the governor shall direct, and the proceeds thereof loaned to the government of the United States, or expended in purchasing from the government of the United States its treasury notes, or other evidences of indebtedness, or said scrip may be delivered to the secretary of the treasury of the United States in exchange for obligations of the United States government of corresponding amount.

Section 3. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 218 An Act in further addition to an act for the maintenance of the union and the constitution.

Be it enacted, &c., as follows:

Pay of troops.

Section 1. The governor, with the advice of the council, is hereby authorized to pay out of the Union Fund any of the troops of this Commonwealth, which have been mustered into the service of the United States during the time which elapsed from their reporting themselves for service, in pursuance of the order of the governor, and the time when they were actually mustered into the service of the United States; such pay shall be the same as that of the same troops in the service of the United States. He shall also have authority to pay such chaplains as have been or may be appointed to any of the regiments of the troops of Massachusetts which have been or may be mustered into the service of the United States, such pay to be the same allowed in the United States service.

Chaplains.

Powers of executive defined.

Section 2. The governor and council shall have the same powers with regard to the expenditures provided in

this act as are given them in the third section of the act to which this is in addition.

Section 3. This act shall take effect upon its passage.

Approved May 22, 1861.

An Act to provide for the discipline and instruction of a military force. *Chap.* 219

Be it enacted, &c., as follows:

Camps, establishment authorized.

Section 1. The governor, with the consent of the council, is authorized and empowered to establish one or more camps in suitable places within the Commonwealth, for the instruction and discipline of such military force as may be placed therein under the provisions of this act; and may procure suitable structures, tents, camp equipage, utensils, uniforms, arms and equipments for the accommodation and use of not exceeding five regiments and one battery of artillery of six pieces; and may, from time to time, order into said camp or camps, to be kept therein for such period of time as he may deem expedient, any such companies or regiments now organized, or which shall be hereafter organized, not exceeding five regiments and one battery of artillery of six pieces, at any one time, as he may select, for the purpose of being instructed and disciplined.

Occupancy defined.

Land for camps, how possessed.

Section 2. For the purpose of establishing such camp or camps, the governor, with the advice of the council, shall have power to contract for the use and occupation of the land needful therefor, with the owners thereof, at such a rate of rent or compensation as shall be agreed upon, and if a suitable site or sites cannot otherwise be obtained, the governor, with the consent of the council, may cause sufficient land for such camp or camps to be taken into the possession of the Commonwealth, and occupied for the purposes of a camp or camps, and may enter upon and occupy the same, either with or without the consent of the owner of the same; and the county commissioners of the county in which such lands shall be, shall fix and determine the value of the occupation of such lands per month, and at the end of each month of such occupation, the amount of such allowance shall be paid to the owners of such lands respectively. Notice shall be given by the county commissioners of the time and place, when and where they will proceed to adjust the said value, and from their judgment an appeal may be taken in the same manner as appeals from the judgment of said commissioners fixing damages for lands taken for highways.

Compensation to owners, how determined.

Enlistment for three years, and upon requisition of president of U. S., conditions of camp service.

Section 3. No such companies or regiments shall be placed in said camp or camps until all the members thereof shall have agreed by articles in writing that if they shall be detailed at any time, to be mustered into the service of the United States by the governor, upon the requisition of the president, they will enter into and remain in said service three years, unless sooner discharged by order of the president; or that if at any time the president of the United States shall call for volunteers for the service of the United States, and any portion of said volunteers are allotted to Massachusetts as her quota of the same, then that the governor may detail them, or any portion of them that he may select to answer such call, and that they thereupon will enter and remain in such service for such time as said call may require, not exceeding three years, and that they will sign such papers and do such acts as may be necessary to make such enlistment effectual and binding; and that whilst in the service of the United States, they will be subject to all the laws of the United States, and all the rules and regulations of said service.

Organization, drill, etc.

Section 4. The formation, organization, drill and tactics, of the military force while in camp, by virtue of this act, shall in all respects conform to the provisions of the laws of the United States, or to any order which may be made by the commander-in-chief; and the men shall conform, so far as practicable, to the standard established for enlistment in the regular service of the United States; and the governor may make such changes in the men and officers in the several companies to be placed in camp, or detailed to be ordered into the service of the United States, as may be necessary to produce conformity to the regulations of the United States.

Governor may reorganize.

Rules for government defined.

Section 5. The military force while in the camp or camps established by this act for discipline and instruction, shall be subject to the rules and articles for governing the militia in actual service.

Commanders of camps, appointment, powers and rank.

Section 6. The governor, with the consent of the council, may appoint a suitable person, removable at his pleasure, to have the command of each camp, established by virtue of this act, who shall be subordinate only to the commander-in-chief, with such rank and such powers and duties as the governor may from time to time prescribe; and such person so appointed for such command may, with the approval of the governor and council, appoint one or more suitable persons for the instruction, under his orders, of the officers and men in the camp under his command; and the officers

Instructors, how appointed, etc.

and instructors who may be appointed under the provisions of this section shall be commissioned by the governor, with such rank and pay as shall be determined by the governor and council.

Jurisdiction one-fourth of a mile around camp, how established and conditioned.

Section 7. The authority of the officer or officers in command of the camps respectively, may be extended by order of the commander-in-chief to a distance of one-fourth of a mile around such camps, and upon such external space no persons other than the owners of the same with their servants, for the purpose of occupying and improving the same in the same manner and way they occupied and improved the same at the time such camps shall be established, shall be allowed to enter, except under such rules as shall be established by the commanding officers of the camps respectively, with the approval of the governor, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled.

Pay, clothing and subsistence, how determined.

Section 8. The privates while in said camp shall be entitled to the same pay, clothing and subsistence as privates in the army of the United States: and the officers, except those whose pay is specially provided for in this act, shall receive such pay as shall be fixed by the governor and council, but in no case higher pay than that of a captain in the army of the United States. Such payment shall be made monthly, unless such troops or a portion of them shall be mustered into the army of the United States, in which case the portion so detailed shall be entitled to be paid up to the day when they are mustered into the service of the United States.

Paymaster, appointment and duties of.

Section 9. The governor, with the consent of the council, may appoint, commission and fix the pay of a suitable person, removable at pleasure, as paymaster for the camps established by virtue of this act, whose duty it shall be to receive from the treasurer, upon the order of the governor, and pay over, all moneys which shall become due to the officers, instructors and men in such camp under the provisions of this act; and such paymaster, before entering upon the duties of his office, shall enter into bond to the Commonwealth of Massachusetts, in such sum as the governor shall direct, with such sureties as he shall approve, to be evidenced by his indorsing approval on such bond, conditioned for the faithful application according to law, of all moneys he shall receive by virtue of his office, and which bond shall be filed in the office of the treasurer; and in case of breach of conditions of said bond, such paymaster

Bond.

Breach of conditions, prosecution for.

shall be prosecuted by the attorney-general, under the direction of the treasurer.

Returns of service to be made monthly.

Section 10. The commanding officers of the several companies in camp shall make monthly returns of the service of the several members thereof, to the commanding officers of their regiments respectively, and such commanding officers shall make returns of their regiments to the commanding officer of said camps respectively, which returns, with a return of the services of all officers and instructors in said camps respectively, shall be transmitted to the adjutant-general, and the governor shall draw his warrant monthly, upon the treasurer, in favor of the paymaster for the pay for the same, according to a pay-roll, which shall be furnished by the adjutant-general, based upon the returns made as above provided.

Warrant in favor of paymaster.

Militia position of volunteers to be unchanged.

Section 11. Companies, battalions and regiments of the volunteer militia, who shall volunteer to go into the service of the United States, shall upon the expiration of such service, hold the position in the volunteer militia which they held when they volunteered into such service, unless otherwise provided by law.

Officers, eligibility of non-residents.

Section 12. Any suitable person may be elected or appointed as an officer in the volunteer militia, and the fact that any such person elected or appointed is not a citizen of this Commonwealth shall not disqualify him from receiving his commission or warrant.

Fitness to be determined by governor.

Section 13. If at any time any person shall be elected or appointed as a commissioned officer, who in the opinion of the commander-in-chief is unfit for actual service, the commander-in-chief shall withhold his commission and order a new election or appointment.

Vacancies, when abroad, how filled

Section 14. The commanding officer of any regiment or battalion in service without the Commonwealth may order an election of any commissioned officer to fill any vacancy which may occur in his regiment or battalion, or the companies attached thereto; and such officer may enter forthwith upon his duties.

Quartermaster, commissary and surgeon-generals and staff officers, additional, governor may appoint and direct.

Section 15. The commander-in-chief may appoint and commission, and determine the rank and compensation of a quartermaster-general, commissary-general, surgeon-general, and such other staff officers, in addition to those now by law existing, as in his judgment the exigencies of the service may require. These officers shall be removable at will, and the office may be suspended at any time by the commander-in-chief, who may likewise prescribe the duties of all such officers, and the limitations of their respective powers, any

thing in existing laws to the contrary notwithstanding. Any of the officers so appointed may, with the approval of the commander-in-chief, appoint such assistants as their departments shall require, who shall be commissioned and their compensation determined by the commander-in-chief.

Requisition of president, governor may answer.

Section 16. Whenever a requisition or call shall be made by the president of the United States for a portion of the militia of this Commonwealth, the governor may answer such requisition or call, by detailing the whole or such part of the force disciplined under the provisions of this act as may be needed to satisfy such requisition or call, and the same may be marched without the limits of this Commonwealth.

Executive may appoint officers at discretion and furnish supplies to troops in service.

Section 17. The governor, with the consent of the council, is hereby authorized to appoint and commission any officers, or employ the services of any men in addition to those now authorized by law, and determine the rank and compensation for the same, to carry into effect the provisions of this act, or to supply any emergency which may hereafter arise; and he is authorized to furnish such companies or regiments as may go into the service of the United States with such arms, ammunition, clothing and supplies of any kind as he may deem necessary for their proper equipment, support and comfort.

Sections of chapter 108 of General Statutes suspended.

Section 18. The provisions of sections twenty-three, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight of chapter thirteen of the General Statutes, are hereby suspended, and shall not be enforced for one year from the passage of this act.

Sect. 23, of ch. 2, G. S. not to apply.

Section 19. Section twenty-three of chapter two of the General Statutes shall not apply to any officer to be appointed under the provisions of this act.

Requisition, governor to fill from camps and by detail otherwise.

Section 20. When any requisition is received from the general government, the governor shall proceed to fill the same from troops which are or may have been in garrison or camp, until their numbers are exhausted, and may for that purpose reorganize any companies or regiments so as to comply in all respects with the terms of such requisition, and may detail men or companies from companies or regiments to other companies or regiments, as the public interest may seem to require.

Section 21. This act shall take effect upon its passage.

Approved May 23, 1861.

Chap. 220 An Act in amendment of the act for supplying the city of Boston with pure water.

Be it enacted, &c., as follows:

Penalty for diverting or corrupting water increased.

Section 1. The fifteenth section of the act entitled "An Act for supplying the City of Boston with Pure Water," passed the thirtieth day of March in the year one thousand eight hundred and forty-six, is hereby amended by adding thereto the following words, viz.: "or by confinement to hard labor in the state prison for a term not exceeding ten years."

Section 2. This act shall take effect upon its passage.

Approved May 23, 1861.

Chap. 221 An Act in further addition to an act making appropriations to meet certain expenditures authorized the present year, and for other purposes.

Be it enacted, &c., as follows:

Appropriations authorized.

Section 1. The sums hereinafter mentioned are appropriated and shall be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, upon the warrants of the governor, for the purposes specified, as follows, namely:

Transportation of paupers.

For the transportation of state paupers, one hundred dollars.

Inspector of gas meters, salary.

For the salary and expenses of the inspector of gas meters, a sum not exceeding three thousand dollars, in accordance with the provisions of chapter one hundred and sixty-eight of the acts of eighteen hundred and sixty-one.

Land agent, salary.

For the salary of the land agent for the first quarter of the present year, two hundred and fifty dollars; and for incidental expenses of his office, ten dollars.

Eye and ear infirmary.

For the Massachusetts Charitable Eye and Ear Infirmary, the further sum of five hundred dollars.

Todd school fund, income of.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Indians' school fund.

The income of the Indians' school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Essex bridge, repairs of.

For deficiency in the appropriation for repairs of the Essex bridge, for the year eighteen hundred and sixty, six hundred fifty-two dollars and fifty-four cents, to be paid from the Essex bridge fund.

Section 2. This act shall take effect upon its passage.

Approved May 23, 1861.

An Act in aid of the families of volunteers, and for other purposes. *Chap. 222*

Be it enacted, &c., as follows:

Section 1. Any town or city may raise money by taxation, and, if necessary, apply the same, under the direction of their selectmen or mayor and aldermen or city council, for the aid of the wife, and of the children under sixteen years of age, of any one of their inhabitants, who, as a member of the volunteer militia of this state may have been mustered into or enlisted in the service of the United States, and for each parent, brother or sister or child, who, at the time of his enlistment, was dependent on him for support. Cities and towns may raise money for support.

Section 2. Any city or town may by vote raise money to defray any expense already incurred, or to carry out and fulfil any contract heretofore made with, or in behalf of any of its inhabitants who may have enlisted as members of the volunteer militia, or who have been, or may be called into the service of the United States; but all contracts now subsisting between any town or city and any member of the volunteer militia, as such, shall terminate in ninety days from the date of such contract or the date of enlistment if subsequent to such contract and previous to the passage of this act. May pay expense incurred and fulfil contracts. Limitation.

Section 3. No compensation, in addition to the regular pay of the army or navy of the United States, other than that mentioned in this act, shall be given by any town or city to any of their inhabitants, who, as volunteers, or otherwise, shall enlist in the service of the United States; but all contracts made with any members of the volunteer militia who have been mustered into the service of the United States for the term of three months, shall be valid during such term, and no pay shall hereafter be allowed by any town or city for the expense of drilling. Compensation of troops defined. Contracts confirmed.

Section 4. Any city or town, when danger from attack from the sea is apprehended, is authorized to organize an armed police to guard against such an attack, and may provide, by taxation, to maintain the same. Such force may, for this purpose, act in any part of the county within which such city or town may be situated. City or town may repel invasion.

Section 5. Of the sum so paid or applied by any city or town for the support of the family of any inhabitant, who may be actually engaged in the service of the United States, as provided in the first section, there shall be annually reimbursed from the state treasury to such town or city, a sum not exceeding one dollar per week for the wife and one dollar per week for each child or parent of such inhabitant, Reimbursement for support of families of volunteers, conditions of.

who, at the time of his being called into the service of the United States, was dependent upon him for support: *provided*, that the whole sum so reimbursed shall not exceed twelve dollars per month for all the persons named in this section so dependent upon any such inhabitant.

Proviso.

Certified statement to be made to auditor.

Section 6. No reimbursement shall be allowed from the state treasury to any town or city, as provided in the previous section, until a full report, certified and sworn to by a majority of the board of selectmen of any town, or of the mayor and a majority of the aldermen of any city, containing a statement of the inhabitants of such town or city, whose families have been assisted, as provided in the first section, and of the persons who have been assisted, and the relations which such persons severally bear to such inhabitants, and the sums paid to each person, has been made to the auditor of the Commonwealth, and carefully examined and approved by him.

Annual statement required.

Section 7. A statement certified and sworn to by a majority of the board of selectmen of any town or of the mayor and a majority of the aldermen of any city shall be made to the auditor of the Commonwealth, on or before the fifth day of January in each year, of the full amount due such city or town for aid furnished in accordance with this act.

Section 8. This act shall take effect upon its passage.

Approved May 23, 1861.

Chap. 223 An Act making appropriations to meet certain expenditures authorized at the present session of the legislature, and for other purposes.

Be it enacted, &c., as follows:

Appropriations authorized.

There is appropriated out of the treasury of the Commonwealth, to be paid upon the warrants of the governor, for the purposes specified in certain acts and resolves passed at the present extra session, as follows, namely:

Issue of scrip.

For plates, paper and printing of the scrip to be issued by the Commonwealth, a sum not exceeding three thousand dollars.

Mileage, senators.

For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation.

For the compensation of senators, a sum not exceeding twelve hundred and fifty dollars.

Mileage, representatives.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

Compensation.

For the compensation of representatives, a sum not exceeding seven thousand dollars.

For the compensation of the door-keepers, messengers, pages, policemen and watchmen of the senate and house of representatives, a sum not exceeding five hundred dollars. Pay of door-keepers, etc.

For the clerks of the senate and house of representatives, two hundred dollars. Clerks.

For the compensation of the chaplains of the senate and of the house of representatives, a sum not exceeding forty dollars. Chaplains.

For postage, printing and stationery for the governor and council, in addition to the sum heretofore appropriated for the current year, a sum not exceeding five hundred dollars. Executive department, expenses.

Approved May 23, 1861.

RESOLVES,

SECOND SESSION,

1861.

Chap. 106 RESOLVE MAKING AN APPROPRIATION FOR PLATES, PAPER AND PRINTING OF SCRIP TO BE ISSUED BY THE COMMONWEALTH.

Resolved, That the treasurer and receiver-general of the Commonwealth be, and he is hereby authorized to procure such plates, paper and printing, as may be necessary in the preparation of the scrip of the Commonwealth which may be issued under authority of the general court, and that a sum not exceeding three thousand dollars is hereby appropriated to meet the expenses thereof, under the direction of the governor and council.

Approved May 23, 1861.

Chap. 107 RESOLVE FIXING THE COMPENSATION OF MEMBERS AND OFFICERS OF THE LEGISLATURE AT THE PRESENT SESSION.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth, to each member of the legislature who has been in attendance during the present session, the sum of three dollars per day; the president of the senate and the speaker of the house of representatives shall receive double the compensation above provided for senators and representatives. There shall be allowed and paid to the clerks of the senate and house of representatives the sum of one hundred dollars each for the present session; to the chaplains of the senate and house of representatives, two dollars per day; to each door-keeper and messenger, three dollars per day; to each page, two dollars per day; and to each watchman one dollar per day, in addition to his salary, for every day he is employed during the session: *provided*, that there shall be deducted from the compensation of each member, three dollars for each day's absence during the session. *Approved May* 23, 1861.

ADDRESS

OF

HIS EXCELLENCY THE GOVERNOR.

At one o'clock, on the day of assembling, His Excellency the Governor, accompanied by the members of the Executive Council and officers of the civil and military departments of the Government, attended by a Joint Committee of the two branches, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

Gentlemen of the Senate and
the House of Representatives:

The occasion demands *action*, and it shall not be delayed by *speech*. Nor do either the people or their representatives need or require to be stimulated by appeals or convinced by arguments. A grand era has dawned—inaugurated by the present great and critical exigency of the Nation, through which it will providentially and triumphantly pass, and soon emerging from apparent gloom will breathe a freer inspiration in the assured consciousness of vitality and power. Confident of our ultimate future, confident in the principles and ideas of democratic republican government, in the capacity, conviction, and manly purpose of the American people, wherever liberty exists and republican government is administered under the purifying and instructing power of free opinion and free debate, I perceive nothing now about us which ought to discourage the good or to alarm the brave.

But the occurrence of public events universally known and needing no repetition here, has compelled the constitutional government of our Federal Union to assert its rightful powers for the protection of its own integrity, and the maintenance of the honor, rights and liberties of the

whole people, by an appeal to the stout hearts and the strong right arms of all loyal States and patriotic men.

Massachusetts, by the unanimous acclaim of her million and a quarter of people, has already inspired every department of her own public service with her traditional sentiment of perfect devotion to the cause of that common country which her successive generations have helped either to create or to support. And it is now only with a view to securing the aid and coöperation of the legislative branch, and in order to carry out more perfectly and more consistently with the system of our constitutional distribution of powers the measures requisite to a full performance of our duty as a State of the Union, that I have ventured to recall the members of the General Court from their private duties, so speedily after the close of a laborious session.

Gentlemen,—This is no war of sections,—no war of North on South. It is waged to avenge no former wrongs, nor to perpetuate ancient griefs or memories of conflict. It is the struggle of the People to vindicate their own rights, to retain and invigorate the institutions of their fathers,—the majestic effort of a National Government to vindicate its power and execute its functions for the welfare and happiness of the whole,—and therefore while I do not forget, I will not name to-day that "*subtle poison*" which has lurked always in our national system,—and I remember also at this moment, that even in the midst of rank and towering rebellion, under the very shadow of its torch and axe, there are silent but loyal multitudes of citizens of the South who wait for the national power to be revealed and its protecting flag unfurled for their own deliverance.

The guns pointed at Fort Sumter on the 12th day of April, while they reduced the material edifice and made prisoners of its garrison, announced to ANDERSON and his men their introduction into the noble army of heroes of American history; and the cannon of the fort, as they saluted the American flag, when the vanquished garrison—unconquerable in heart—retired from the scene, saluted the immortal Stripes and Stars, flaming out in ten times ten thousand resurrections of the flag of Sumter, on hill-top, staff and spire, hailed by the shouts and the joyful tears of twenty millions of freemen.

The proclamation of the President, summoning the rebels to disperse and the loyal militia to rally to the support of the national capital menaced by secessionists, was immediately followed, in this State, by a movement of four regimental commands of infantry, a battalion of rifles, and

another of light artillery, (all from the "Active Volunteer Militia" of Massachusetts,) which under all its circumstances of celerity of motion, promptness of obedience and brilliancy of results, is unexampled in any thing I remember elsewhere of the conduct of citizen soldiery. The telegraphic call from the Department at Washington for two regiments, reached the Executive of Massachusetts on the morning of Monday, the 15th of April, and was soon expanded into a call for four regiments. Availing ourselves of the organization happily existing in this Commonwealth partially prepared for active duty, and of the flexibility of our militia system; and with the aid of the legislation of this year, permitting its indefinite numerical enlargement and the expansion of its companies to the full army size of sixty-four privates; together with the steps already taken to anticipate possible exigencies of the sort, and with the advantages of previous drill, discipline and moral preparation induced by means of a general order promulgated to the militia in the month of January,—the patriotic ardor and generous devotion of the people found means of efficient and prompt response. The telegraphic messages from Washington convinced me that no small reliance was placed on this Commonwealth to be early in the field; and moreover that no delay whatever would be consistent with the urgent demands of the public safety. Nor was any delay permitted. Every officer, civil and military, according to his position and means of usefulness, and many private citizens, with various aid, coöperated with the commander-in-chief; and by nine o'clock on the Sabbath morning following the Monday on which the first telegram was received, the whole number of regiments demanded from Massachusetts were already either in Washington, or in Fortress Monroe, or on their way to the defence of the national capital. Col. Jones, at the head of the regimental command of which the Sixth Regiment of the Massachusetts line was the nucleus, had already cut his way through a hostile and assailing force. His men shedding their blood in the streets of Baltimore, and illustrating the quality of our arms by a movement as skilful as it was brave, had extricated themselves from their sudden and strange peril, and were already steadying the government and actually garrisoned in the senate chamber of the Union. Gen. Butler, gallantly following as rapidly as possible in company with the regiment under Munroe, to assume command in his capacity of brigadier over the Massachusetts men, had reached Philadelphia, where he heard of the attack upon the Sixth, while it was

yet in progress. Interrupted in his march by this new turn of affairs, and the breach in the modes of travel and communication, it became necessary for the moment that our troops should seek another route to Washington; and also to endeavor to prevent the important post and position of Annapolis from seizure, and its inhabitants from demoralization. These new necessities created a demand for other arms, to accompany the infantry which alone had been ordered from Washington,—and a battalion of rifles, under the command of Major Devens, of Worcester, (reinforced by the rifle corps of Capt. Briggs, from Pittsfield,) and the Boston battalion of light artillery under Major Cook, were put into immediate requisition, and accompanied the infantry command under Col. Lawrence, of which the Fifth Regiment of our line is the nucleus. The urgency of the occasion and the telegram of General Butler from Philadelphia, requesting artillery, and the military reasons palpably establishing the necessity of aiming at the substantial right, to the postponement of ceremonies or forms, convinced me that I ought to take the responsibility of putting these additional arms in motion, and of providing the requisite means for their equipment and transportation. This force arrived at New York on Sunday night, and sailed in two steamers on Monday, the 22d, for Annapolis, whither they had been preceded by Butler with Munroe's command from Philadelphia. On the preceding Saturday, the Old Colony command, made up in part of Col. Packard's and in part of Col. Wardrop's regiments, had arrived at Fortress Monroe,—Packard in the "State of Maine" steamer, by way of Fall River, and Wardrop in the steamer "Spaulding," directly from Boston. On the very day of their arrival, Wardrop's command had been put on board the United States steamer, the "Pawnee," and had left the fortress to assist in a brilliant movement, both of danger and success, in the destruction of United States vessels and military stores at Gosport Navy Yard, then menaced and in immediate danger of falling into the hands of the public enemies. The saving of the venerable ship-of-war "Constitution,"—the "*Old Ironsides*" of our familiar speech and affectionate memories,—is one of the happy omens and one of the first illustrations of that series of actions and events which characterized the conduct and enterprise of our soldiers after the landing at Annapolis;—holding the post, saving another ship-of-war endangered from Baltimore, rebuilding a railroad, reconstructing locomotives, opening up the communication between Washington and Philadelphia, at the

same time that they were enduring the hitherto untried deprivations of a camp, and the hardships incident to a soldier's career for which the suddenness of their call had permitted no adequate preparation.

The contracts and expenditures incidental to this movement of troops, to obtaining and arranging their final equipment, whether of arms or clothing, to their subsistence, and general comfort and protection, have been unhesitatingly incurred, in firm reliance upon the support and sympathy of the people and the approval of the legislature. Nor—in view of the known inadequacy of the national stores—have the governor and council hesitated to anticipate coming wants and to provide for military stores, clothing and equipments as rapidly as possible, not only to supply current needs and to repair existing deficiencies, but to meet the certain demands of the approaching summer.

I cannot doubt that to some extent the suddenness of our necessary action, the novelty of our situation, and the fact of the inexperience of our whole people in the arts of war and the wants of camp life, have exposed us all to some mistakes, to some loss of material, to some misadaptation of means to ends and some oversight of economies possible to better opportunities or to greater experience. But I am confident that the service has been conducted by all its agents and departments with zealous care and honest effort to command success in the work of economy not less than in the more brilliant and attractive spheres of gallant enterprise. The disbursements in the military service, which had been made up to the close of business yesterday, were:—

For subsistence,	$40,222 34
clothing,	90,823 92
equipments,	30,365 78
transportation of troops,	43,260 38
one-half of steamer Cambridge,	45,000 00
one-half of steamer Pembroke,	17,500 00
telegraphing,	272 76
	$267,645 18

To these expenditures may be added (besides the amount of the contemplated purchase of arms in Europe,) about $100,000 more, to cover contracts for clothing and equipments now in progress to meet present and future wants. Of all these contracts and disbursements more detailed statements are ready for exhibition.

Nearly all these expenditures (aside from the purchase of the steamers) constitute valid claims upon the Federal gov-

ernment, since its lack of such outfits and provisions as are required by soldiers on the march and in the camp, imposed upon us the necessity of procuring supplies for immediate use and of preparation for future demands. The contracts described as in progress, are in part for fatigue suits, and also for full uniforms for summer campaign service, adequate to the wants of six thousand men.

I ought not, in this connection, to omit to allude to the unremitting care that has been cast upon the whole executive council, which has held daily sessions during the past month, and whose committees on contracts and accounts have been constantly and laboriously occupied.

In truth and courtesy I must add, that whatever success has thus far been achieved in our military operations, is largely due to the incessant exertions and chivalrous devotion of my military aides-de-camp, to whom the Commonwealth is indebted for invaluable services far beyond the immediate duties of their official stations, and for which I gladly confess my personal obligation. I am also under special and peculiar obligation to some gentlemen whose time withdrawn from the important cares of their private business, was generously offered to the Commonwealth and accepted in the same spirit in which it was tendered, and whom I would gladly designate by name, were I permitted to do so by the proprieties of this occasion.

Very soon after the commencement of our preparations, the increase of business rendered the appointment of a quartermaster-general, in accordance with the provisions of the Constitution and the General Statutes, an obvious necessity, and I nominated to that office a gentleman who has generously and faithfully performed its duties, for which no compensation has been provided by law. This withdrawal of certain duties, not properly pertaining to the office of the adjutant-general, has enabled the crowded business of his bureau to be conducted with an efficiency and dispatch otherwise impossible.

But even with all this zealous and faithful coöperation, it is obvious that a broader and more comprehensive organization of the staff of the commander-in-chief is required by the condition of affairs. It is my opinion that an officer with substantially the functions of commissary-general, is needed to accompany the Massachusetts troops in the field, and that the institution, at least temporarily, of a regular medical bureau, is particularly desirable, its duties having thus far been generously performed by a commission of medical gentlemen in Boston informally appointed. With

this view, I suggest that it may be advisable to authorize the governor, with the advice of the executive council, to institute and commission such additional staff officers as the public business may, in his judgment, from time to time require, and, in the same manner, to fix their compensation, and to remove them, or to discontinue their offices; and, further, to define and prescribe the respective duties of the various departments of the staff.

I respectfully recommend that an appropriation be made to cover these expenses and contracts already incurred, as well as such others as may hereafter be indicated, and of such additional public service as the legislature may direct.

In view of the great lack of arms existing in this Commonwealth, certain to become apparent in the event of a continued struggle,—a want shared by the States in common with each other,—under the advice and consent of the council, I commissioned a citizen of Massachusetts on the 27th day of April, (who sailed almost immediately in the steamer Persia,) to proceed to England, charged with the duty of purchasing Minié rifles, or other arms of corresponding efficiency, in England or on the Continent, as he might find it needful or desirable. To this end he was furnished with a letter of credit to the amount of fifty thousand pounds sterling, and he was attended by an accomplished and experienced armorer, familiar with the workshops of the old world. The production of fire arms at home will of necessity remain for a considerable period inadequate to the home demand, and I await with much interest the arrival from abroad of our expected importation; and I have no doubt that congress, at its approaching special session, will relieve this Commonwealth from the payment of the duties chargeable thereon.

In addition to its other military defences, the nautical school ship has been fitted up to aid in guarding the coast of the Commonwealth, and has been armed with four six-pound cannon and fifty-two muskets. The collector of the district of Boston and Charlestown has commissioned and placed on board the ship an "aid-to-the-revenue," with instructions to overhaul all supicious vessels, warning him to use that authority with caution and moderation. Each afternoon, at the expiration of business hours, the collector telegraphs to the station at Hull the names of all vessels having permission to pass out of the harbor of Boston, and the list being immediately forwarded to the ship, the "aid" is authorized to order all vessels not so reported, and attempting to leave the harbor between sunset and sunrise,

to wait till the next day, and until he is satisfied of their right to pass.

The commander of the ship is instructed to assist the aid-to-the-revenue, to see that thorough discipline is at all times maintained; that the rules of the ship are strictly obeyed; that all due economy be practiced; that the exercises of the school are daily continued; and to see that the boys receive kind treatment, and their habits, morals and education, are carefully and constantly regarded. On the seventh of this month the ship left the harbor of Boston, and is now cruising in the bay in the performance of the duties assigned her.

A sense of insecurity along our coast under the late piratical proclamation of Jefferson Davis, as well as our constant wants for transportation service, have induced a purchase for the Commonwealth as a part owner with the underwriters of Boston, of the steamer "Cambridge," of about 860 tons burden, and of the steamer "Pembroke," of 240 tons, both of which, equipped with competent naval armament, and ready to fight their way over the seas, are engaged in service. The "Cambridge" has carried a full cargo of arms, men, and supplies in ample quantities not only to Fortress Monroe, but up the Potomac itself. And in spite of the danger supposed to menace her from its banks, she has safely conveyed tents, stores, provisions and clothing to our troops at Washington.

Besides making the requisite appropriations to meet these and other expenses, and adopting measures to establish the power of the executive to meet the emergencies of the occasion on a distinctly legal foundation, my other principal purpose in convening the general court was to ask its attention to the subject of a *State Encampment for Military Instruction.*

Wise statesmanship reqiures an adequate anticipation of all future wants of the controversy whether as to the number or quality of the military force, its discipline, instruction, arms or equipment. At this moment, there exist one hundred and twenty-nine companies newly enlisted into the active militia, all of whom were induced to enroll themselves by the possibility of active duty in the field. Many of these are anxious to receive orders for service, and withdrawing themselves from other avocations, they are now endeavoring to perfect themselves in the details of a soldier's routine of duty. It seemed equally an injustice towards those who are disposed to arms, and to all other citizens on whom future exigencies might cast the inconvenient necessity of taking the field, to discourage

these efforts and struggles of patriotic ambition. It is important to secure a reasonable number of soldiers, to have them ascertained, within reach, and in a proper condition for service; and it is scarcely less important that other citizens should be left as free as may be from the distractions of a divided duty, so as to pursue with heart and hope, the business enterprises of private life. The best public economy is found in the forethought of considered plans, disposing the means, pursuits and people of the whole community, so as to meet all exigencies without confusion, and with the least possible derangement of productive industry; and I have, therefore, to these ends, earnestly considered the suggestions of various eminent citizens, the written requests or memorials, numerously signed, which have reached me, and the advice of the highest officers in our own militia, all uniting in the recommendation of a state encampment.

I recommend the subject to the wise and careful judgment of the legislature, venturing to suggest, that in order to secure success proportioned to its importance, any such encampment should be confined to those enlisting themselves for an extended term of actual service, and should not include the ordinary militia, who are only liable to three months' duty in a year; that it should be an encampment for thorough military instruction in drill, discipline, and camp duty; that all who enter it should, while there, come under the rules and laws of active military service; that for the principal commander or instructor there should be obtained, if possible, an officer of the army, of rank, experience, culture and high character, who, with a proper staff, should be specially appointed for this service, subject to control and removal, as circumstances may require, by the commander-in-chief. The number of soldiers or regiments to be at any one time placed in camp, should be fixed by the legislature, and also the rate of compensation and the terms of enlistment. The encampment may be at one place, or several encampments may be established under a single military commander, or otherwise, at convenience,—and the power to put an end to the encampment at any time, when desirable, should be reserved to the executive; nor should any persons be retained in camp longer than the public service may clearly seem to demand. I offer this subject to your consideration, gentlemen, with a consciousness of the heavy care and difficult responsibilities which the adoption of any scheme of the sort indicated will impose upon the commander-in-chief, and with great personal diffidence, but with a hearty willingness to attempt any task which the

cause of the country and the good of the people may impose, and with entire confidence in the support to be found in the aid of those who will surround me, and in the reasonable certainty of the success of any good work, honestly undertaken.

Many military organizations are now receiving aid, more or less ample, from cities and towns. The companies thus assisted are under many disadvantages, and are trying in a desultory way, to fit themselves for duty. But pursuing their efforts without uniformity of system or method, the number of soldiers, the expense they incur, and the proficiency they make, are all unknown, while the benefit of their exertions is but partially realized, and the burdens are unequally borne. I venture to suggest that the practice begun in some towns of offering bounties on enlistment is attended with many inconveniences, not the least of which is the evil of different rates of compensation for soldiers of equal rank and merit in the same regiment; and while no necessity exists for this course, it is liable to the objection of weakening the capacity of the people to afford special aid and relief to the families of soldiers which may want while husbands and fathers are in the field.

Any relief needed by our troops, whether by reason of delays of payment by the general government or otherwise, should be provided for under authority of the State, and according to a uniform system.

At present the troops willing to march under the orders of the President exceed many times in number the utmost limit which can now be received at Washington or its neighborhood, although, unless some unforeseen and sudden end shall be put to the conflict even more will ultimately be needed. Yet I cannot too strongly urge the unspeakable importance of husbanding the time and industry of all the people of the Commonwealth. I exhort them therefore to cultivate their resources, to devote themselves with increased assiduity to all the useful pursuits and arts of peaceful skill and labor; and especially to devote the utmost effort to increase the agricultural products of the year. Let every man not set apart for present military duty devote himself, as not less a patriot than his more martial neighbors, to the patient and quiet pursuits which increase the wealth and security of all,—remembering that a noble purpose

> "—— makes drudgerie divine.
> Who sweeps a room as for God's law
> Makes that and the action fine."

I trust that the present experience will inaugurate a return to the only system capable of guarding a State against surprise, and preserving it from ultimate disaster,—I mean the arming and training of the whole militia. Devoted in heart to the interests of peace, painfully alive to the calamities and sorrows of war, I cannot fail to see how plainly the rights and liberties of a people repose upon their own capacity to maintain them.

I recommend the authorization of a permanent loan for the payment of the expenses of this new emergency—to be effected by instalments as the executive department may find it expedient. I suggest also that the scrip may be partly issuable in pieces of fifty or one hundred dollars each, so that small capitalists may share in the benefits of the opportunity for safe investment which the occasion will afford. The offers from the banking institutions of the Commonwealth, of loans to the treasury, communicated to the executive since the fifteenth of April, reach the aggregate amount of six millions four hundred thousand dollars, and whatever moneys have been needed by the treasurer, have been promptly advanced, pursuant to these offers. Their confidence in the good faith of the State, in view of the fact that our contracts have been made in the absence of previous legislation, is not less apparent than their reliance upon its pecuniary condition; and, in truth, a recurrence to the last annual report of the State auditor renders it clear that the indebtedness of the Commonwealth, (exclusive of liabilities assumed to promote public works, and assured by ample mortgages,) is so trifling, while its wealth and resources are so vast, that the scrip of Massachusetts must be regarded as second to no security in the world. The tendency to hoard, in times of commotion, is a circumstance aggravating the natural perturbations of society; and it offers a strong motive of public policy for extending to all classes the opportunity of investments.

I desire to cultivate a spirit of confidence in the Federal government, its capacity, its resources, and its administration. The States and the people owe it to themselves and to justice that they shall cautiously abstain from needless, careless, or in any way uneconomical disbursements, into which inconsiderate officials may be tempted by the expectation of ultimate repayment from the treasury of the United States. We ought to husband every resource, to serve every interest of our parent government, to watch over and protect its pecuniary credit, and to assist its loans, in a spirit of patriotic sympathy free from any sordid taint of personal

selfishness; and I respectfully ask you to consider whether power may not properly be vested in some department of the Commonwealth to intervene with the aid of our credit as a State, in any possible future contingency of pecuniary weakness at Washington.

In this grave national experience, it becomes us not only to acquit ourselves as men, by courage and enterprise, but also to remember that every virtue, civil as well as military, calls on us with more commanding voice. Patient endurance, unflinching perseverance in every duty, whether of action or passion, at such a moment becomes grand and heroic. Nor can I urge too strongly the duty of faithful and filial union of heart with those to whom are committed the responsibilities of the central power. Whether they who have to guide the current of national action seem fast or slow, narrow or broad, I trust that Massachusetts men will with equal devotedness, enact their part in this warfare, as good soldiers of a great cause.

It is impossible that such an uprising of the people as we have witnessed,—so volcanic in its energy,—should not manifest itself here and there in jets of unreasonable passion and even of violence against individuals who are suspected of treasonable sympathies. But I am glad to believe that respect for every personal right is so general and so profound throughout Massachusetts, that few such demonstrations have occurred in our community. Let us never—under any conceivable circumstances of provocation or indignation—forget that the right of free discussion of all public questions is guaranteed to every individual on Massachusetts soil, by the settled conviction of her people, by the habits of her successive generations, and by express provisions of her constitution. And let us therefore never seek to repress the criticisms of a minority, however small, upon the character and conduct of any administration, whether State or National.

For myself I entertain a most cordial trust in the wisdom and patriotism of the President of the United States, and his cabinet, and of the venerable head of the American Army, whose long and eminent career has given him a place second to no living captain of our time. True to his allegiance to his country and to himself, may he long be spared to serve his countrymen, and to enjoy their gratitude; and though white the marble, and tall the aspiring shaft, which posterity will rear to record his fame, his proudest monument will be their affectionate memory of a life grand

in the service of peace not less than of war, preserving in their hearts forever, the name of WINFIELD SCOTT.

Surrounded by universal sympathy and aid, it is beyond my power to bear separate testimony to the value and merits of the various gifts and services offered and performed in behalf of the State and in amelioration of the hardships of those who bear the immediate brunt of war. From every department of social, business and religious life; from every age, sex and condition of our community; by gifts, by toil, by skill and handiwork; out of the basket and the store, and out of the full hearts of the community, they have poured through countless channels of benevolence and patriotism.

But how shall I record the grand and sublime uprising of the people, devoting themselves—their lives—their all! No creative art has ever woven into song a story more tender in its pathos or more stirring to the martial blood, than the scenes just enacted,—passing before our eyes in the villages and towns of our own dear old Commonwealth. Henceforth be silent, ye shallow cavillers at New England thrift, economy and peaceful toil! Henceforth let no one dare accuse our northern sky, our icy winters, or our granite hills!

"*Oh what a glorious morning!*" was the exulting cry of SAMUEL ADAMS, as he, excluded from royal grace, heard the sharp musketry which on the dawn of the 19th of April, 1775, announced the beginning of the war of independence. The yeomanry who in 1775, on Lexington Common and on the banks of Concord River, first made that day immortal in our annals, have found their lineal representatives in the historic regiment which on the 19th of April, 1861, in the streets of Baltimore, baptized our flag anew in heroic blood, —when Massachusetts marched once more "*in the sacred cause of liberty and the rights of mankind.*"

Senators and Representatives:

Grave responsibilities have fallen, in the Providence of God, upon the government and the people;—and they are welcome. They could not have been safely postponed. They have not arrived too soon. They will sift and try this people, all who lead and all who follow. But this trial giving us a heroic present to revive our past, will breathe the inspiration of a new life into our national character and reassure the destiny of the republic.

The following special communications were made by His Excellency the Governor, to the Legislature, during the Second Session, ending May 25.

[To the House of Representatives, May 15.]

I herewith transmit, for the information of the general court, copies of correspondence which has taken place since your last adjournment, respecting the suit of Levi Baker *vs.* Henry A. Wise, Governor of Virginia, in the court of appeals of that State. No answer has been received in reply to the letter of the attorney-general of this Commonwealth to Hon. Mr. Crump, of Richmond; and in view of the declarations of Mr. Taylor, also of counsel in the suit, in his letter to Captain Baker, I find reason to apprehend that no writ of error has been sued out as was requested.

I respectfully recommend to the general court that the executive of this Commonwealth be authorized to take such measures as shall secure, if possible, the sueing out of such writ and the prosecution of the same to a final issue in the supreme court of the United States, by counsel in Virginia.

[To the House of Representatives, May 18.]

I herewith transmit, for the information of the general court, the accompanying communication from the warden and inspectors of the state prison.

CHANGE OF NAMES.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges for their respective counties.

SUFFOLK COUNTY.

Joel Barber, takes the name of Joel Dwight Barber.

George William Buchanan, takes the name of George William Buchanan Cains.

Edward Crowninshield, takes the name of Edward Augustus Crowninshield.

Miriam Goodwin Copp, takes the name of Miriam Copp Sanderson.

John Carson, takes the name of Charles Stebbins.

Lizzie Crane, takes the name of Lizzie Crane Staples.

Ellen Carroll, Jr., takes the name of Jennie Frances Oliver.

Frances Collins, takes the name of Martha Saunders Thompson.

Emma Melissa Davis, takes the name of Emma Melissa Pratt.

Thomas Johnson Entwisle, takes the name of Thomas Johnson.

Ellen Fitzgerald, takes the name of Emma Judson Gullefer.

Michael Greene, takes the name of George Leslie Greene.

Martha Earl Hughes, takes the name of Martha Avise Earl.

Mary Kingston, takes the name of Angenora Barber.

William Russell Lane, takes the name of Russell Lane.

Alexander Lane, takes the name of Alexander McLane.

Edis Henrietta Nichols, takes the name of Edis Henrietta Metcalf.

Elizabeth Rogers, takes the name of Elizabeth Smith.

Margaret Ellen Simpson, takes the name of Margaret Ellen Stark.

James Munroe Stevens, takes the name of Munroe Stevens.

William Ellery Albert Thomas, takes the name of William Ellery Cotton.

George A'Court Webb, takes the name of George Webb A'Court.

Henry Clarence Wright, takes the name of Haynes Henry Wright.

ESSEX COUNTY.

December 27, 1859. Albert Merrill and wife, of Amesbury, adopt William L. Jones, a minor, and said William takes the name of Albert Sumner Merrill.

February 7, 1860. Edward Augustus Baker, of Beverly, takes the name of Edward Augustus Webber.

March 13. Elisha C. Humphrey and wife, of Lawrence, adopt Alonzo Eliphalet Hardy, and said Alonzo E. takes the name of Alonzo Hardy Humphrey.

March 27. Morrill C. Bartlett and wife, of Haverhill, adopt —— Goodrich, a minor, aged seven months, and said Goodrich takes the name of Ruth Ann Bartlett. Jeremiah Morris Spofford, of Groveland, takes the name of Morris Spofford.

May 1. Richard Mead, of Rowley, takes the name of Richard C. Hale.

July 3. Lucinda Marshall, of Andover, (formerly the wife of William Marshall,) takes the name of Lucinda Lyford. Alexander Peckham, Jr., of Lynn, takes the name of Charles Edwin Peckham.

July 17. Walter S. Williams and wife, of Amesbury, adopt Alice Maude Mary Cook, a minor, and said Alice takes the name of Alice Maude Williams.

September 18. Daniel C. Bagley and wife of Amesbury, adopt Lois Perry Woolley, a minor, and said Lois takes the name of Ella Mariah Bagley.

MIDDLESEX COUNTY.

November 13, 1860. Maria Louise Wainwright, takes the name of Maria Louise Hayward.

The names of the following minors were changed by reason of their being adopted:

January 3, 1860. Robert Chaffin Conant, of Acton, to Robert Conant Chaffin. Susannah Chaffin Conant, of Acton, to Susanna Conant Chaffin.

January 10. Julia Barnes, of Charlestown, to Etta Hull. Grace Atkins, of Charlestown, to Grace Atkins Hull.

January 24. Anna V. Barnard, of Lowell, to Anna V. B. Sanborn.

February 14. A minor, of Cambridge, name unknown, was decreed the name of Leo Schnepf.

March 13. Mary Augusta Richards, of Holliston, takes the name of Minnie Williams.

March 27. Frederick Kent, of Charlestown, to Frederick Kent McKenzie.

April 3. Mary Marden, of Lowell, to Ella Frances Martin. Matilda Goddard Holmes, of Lowell, to Matilda Goddard Allen.

May 8. Mary Kate Bowen, of Cambridge, to Mary Catherine Bowen Sullivan.

June 5. Sarah Annah Scarlett, of Tewksbury, to Sarah Annah Gray.

June 12. Elizabeth Smith, of Hopkinton, to Lizzie Ann Raymore.

June 26. William Apel, of Cambridge, to Herbert William Duxbury.

August 14. Annie Abbott Gibson, of Lexington, to Annie Abbott Smith.

August 28. Abraham Paul, of Marlborough, to Abraham Paul Belmore.

September 11. Caroline Effeda Greene, of West Cambridge, to Effie Locke.

September 25. Herbert William Duxbury, of Cambridge, to William Herbert Apel.

October 9. Rufus Fuller Smith, of Ashby, to Harlow Rufus Foster.

November 13. Willie Walsh, of Charlestown, to Willie Walsh Monroe.

WORCESTER COUNTY.

Eliza Ann Barnes, takes the name of Lizzie Anna Gibson. Annette M. Covell, takes the name of Frances Maria Stockwell. James Albert Carpenter, takes the name of James Albert Sadler. George Jonas Gage, takes the name of George Tufts Brackett. George W. Green, takes the name of George Henry Wilder. Peter Labadore, takes the name of Peter Marron. Jennette Louise Parker, takes the name of Jennie Louise Parker. Ida Maria Woodward, takes the name of Ida Maria Hoppin. Charles Albee, takes the name of Charles Albee Chickering. Cora Bradbury, takes the name of Cora S. Howland. Harriet Alice Ward, takes the name of Harriet Alice Putnam. Edmond John McMannus, takes the name of Edmond John Morton.

HAMPSHIRE COUNTY.

January 3, 1860. Thomas Burke, Jr., and wife, of Ware, adopt Emma Virginia Wheeler, a minor, and said Emma takes the name of Emma Virginia Burke.

December 4. Aaron Stevens and wife, of Worthington, adopt Henrietta Josephine Cole, a minor, and said Henrietta takes the name of Henrietta Josephine Stevens.

Stephen Ashley and wife, of Prescott, adopt Phoebe Amanda Pierce, a minor, and said Phoebe takes the name of Emma Amanda Ashley.

HAMPDEN COUNTY.

April 11, 1860. Joseph W. Babcock, of Chester, takes the name of Joseph E. Webster.

December 18. Francis McCan, of Springfield, takes the name of Francis Fuller.

Caroline E. McCan, of Springfield, takes the name of Caroline E. Fuller.

Jerome E. McCan, of Springfield, takes the name of Jerome E. Fuller.

The names of the following minors were changed by reason of their being adopted.

January 3, 1860. Fanny Jane Hawks, child of Elisha Hawks, of Springfield, to Fanny Jane Jennings.

February 7. Flora Emergene Stodard, child of Jasper M. Stodard, of Montpelier, Vermont, to Flora Emergene Hubbard.

April 24. Charles Henry Speakman, child of Susan Speakman, of Monson, to Charles Henry Lee.

May 22. Linnie Maud Collins, child of Harriet N. Collins, of Palmer, to Minnie Harriet Watrous.

June 5. Ida Mason, child of Mercy Mason, of Springfield, to Josephine Ida Clark.

June 12. Henry Nelson, child of Eli Nelson, of Wales, to Henry Nelson Thompson.

June 19. Samuel J. Harris, child of Daniel and Mary Harris, deceased, to Aaron William Rising.

July 3. Nellie A. Sheldon, child of Selina Sheldon, of Chicopee, to Nellie Louisa Shaw.

August 28. Anna Maria Pierce, child of Carlisle and Abbie Maria Pierce, of Westfield, to Anna Maria Pease.

FRANKLIN COUNTY.

Mary Schneider, child of Peter Schneider, of Buckland, adopted by David M. Whitney and wife, and name changed to Mary Schneider Whitney.

John Ferroth, child of Eugenia Ferroth, of Boston, adopted by Christian Hawser, of Greenfield, and name changed to Christian Hawser.

Nina Estella Wright, child of Amelia Wright, of Charlemont, adopted by James M. Ford and wife, of Rowe, and name changed to Catharine Wells Ford.

Mary J. Seavery, child of Mary J. Seavery, of Conway, adopted by George Barrus and wife, and name changed to Mary Jane Barrus.

BERKSHIRE COUNTY.

January 1, 1860. Ann Doud, takes the name of Eva Ann Johnson.

January 3. D. Lyon Davidge, takes the name of Charles Bray Davidge.

April 25. Amy Merilla Williams, takes the name of Amy Merilla Wright.

May 1. Franklin Secor, takes the name of Franklin Potter.

July 18. Ellen Maria Potter takes the name of Ellen Maria Wood.

July 25. Ida Muller, takes the name of Ida Keach.
Harriet Lois Palmer, takes the name of Elizabeth Annett.
Charles J. Ferguson, takes the name of Charles J. Stowell.

NORFOLK COUNTY.

Aurelia Jane Angier, takes the name of Aurelia Jane Hunt.

Francis Balch, takes the name of Francis Vergines Balch.

William Duncan Foster, takes the name of William Foster Duncan.

Emma Sawin, takes the name of Emma Sawin Patten.

Eva L. Smith, takes the name of Addie Ellis Richardson.

Benie Potter, takes the name of Flora Ann Reed.

Amelia Hannah Willis, takes the name of Amelia Hannah Lesuer.

Charles Sumner Stevens, takes the name of Charles Stevens Ayer.

Martha Jane McAndrews, takes the name of Martha Jane Grace.

Sarah E. Honey, takes the name of Amy Elizabeth Pettee.

Harriet Amanda Pond, takes the name of Harriet Ella Gay.

Mary Ann Maddock, takes the name of Mary Ann Gay.

BRISTOL COUNTY.

October 2, 1860. Anne Frances Baker takes the name of Annie Frances Davis.

November 9. Harriet Upham, takes the name of Harriet Upham Andrews.

December 4. Sarah McGurk, takes the name of Sarah McGurk Reed. Frances Borden, takes the name of Frances Borden Vincent. Hannah V. D. Robinson, allowed to resume her maiden name of Hannah Valentine Durfee. Fidelia Durfee Robinson, takes the name of Fidelia Durfee. George Durfee Robinson takes the name of George Durfee.

BARNSTABLE COUNTY.

Harry Wallen, takes the name of Harry Franklin Clark.

Emma Thompson, takes the name of Emma Nelson Hallet.

Huldah Thompson, takes the name of Addie William Loring.

Harriet Augustus Bartlett, takes the name of Harriet Bartlett Robinson.

Josephine Hallett Sturgis, takes the name of Muriel Mary Rogers.

Ellen Jane Sullivan, takes the name of Hannah Nye.

Atkins Dyer Paine, takes the name of Elisha Lewis Lombard Paine.

Marshal E. Paine, takes the name of Marshal Paine Snow.

Henry T. Hallett, takes the name of Henry T. Coombs.

Alice Maria Osgood, takes the name of Fanny Maria Hoxie.

Eliza Jones Collins, takes the name of Eliza Jones Nickerson.

No application for change of name has been made to the judges of probate and insolvency, for the counties of Plymouth, Dukes and Nantucket, during the year 1860.

THE

CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR, 1861.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

JOHN A. ANDREW,

GOVERNOR.

HIS HONOR

JOHN Z. GOODRICH,*

LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts.)

I.—JACOB SLEEPER.
II.—JOHN I. BAKER.
III.—JAMES M. SHUTE.
IV.—HUGH W. GREENE.
V.—JOEL HAYDEN.
VI.—JAMES RITCHIE.
VII.—OAKES AMES.
VIII.—ELEAZER C. SHERMAN.

OLIVER WARNER,

Secretary of the Commonwealth.

CHARLES W. LOVETT, 1*st Clerk.* ALBERT L. FERNALD, 2*d Clerk.*

HENRY K. OLIVER,

Treasurer and Receiver-General.

DANIEL H. ROGERS, 1*st Clerk.* ARTEMAS HARMON, 2*d Clerk.*

DWIGHT FOSTER,

Attorney-General.

HENRY WINN, *Clerk.*

LEVI REED,

Auditor of Accounts.

JULIUS L. CLARKE, *Clerk.*

*Resigned March 29, 1861.

GENERAL COURT,

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

SENATE.

President—WILLIAM CLAFLIN.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Amos A. Dunnels, . . .	Boston.
Second " . . .	Lucius Slade, ...	"
Third " . . .	James Cheever, ...	"
Fourth " . . .	George A. Shaw, ...	"
Fifth " . . .	Charles O. Rogers, . . .	"
First Essex, ...	Edwin Walden, ...	Lynn.
Second "	William D. Northend, . .	Salem.
Third "	Christopher Tompkins, . .	Haverhill.
Fourth "	Eben F. Stone, ...	Newburyport.
Fifth "	John J. Babson, ...	Gloucester.
First Middlesex, . .	Eugene L. Norton, . . .	Charlestown.
Second " . . .	John Schouler, ...	West Cambridge.
Third " . . .	William Claflin, ...	Newton.
Fourth " . . .	Benjamin W. Gleason, . .	Stow.
Fifth " . . .	Oliver R. Clark, ...	Winchester.
Sixth " . . .	Arthur P. Bonney, . . .	Lowell.
Central Worcester, .	Ichabod Washburn, . . .	Worcester.

District.	Name of Senator.	Residence.
South-East Worcester,	Winslow Battles, ...	Milford.
South-West " .	Sylvester Dresser, ...	Southbridge.
West " .	Freeman Walker, ...	North Brookfield.
North-East " .	T. E. Glazier, ...	Gardner.
East " .	Benjamin Boynton, . . .	Westborough.
Hampshire, ...	Hiram Nash, ...	Williamsburg.
Franklin, ...	John Sanderson, ...	Bernardston.
Hampshire & Franklin,	Sanford Goddard, ...	Montague.
West Hampden, . .	Timothy W. Carter, . . .	Chicopee.
East " . .	Gordon M. Fisk, ...	Palmer.
North Berkshire, . .	Lansing J. Cole, ...	Cheshire.
South " . .	Orlo Burt, ...	Sandisfield.
North Norfolk, . . .	Alpheus Hardy, ...	Dorchester.
East " . . .	Atherton N. Hunt, . . .	Weymouth.
West " . . .	Joseph Day, ...	Dedham.
North Bristol, . . .	Nathaniel Cook, ...	Mansfield.
South " . . .	Samuel Watson, ...	New Bedford.
West " . . .	Robert T. Davis, ...	Fall River.
North Plymouth, . .	Edward Southworth, Jr., .	N. Bridgewater.
South " . .	John M. Kinney, ...	Wareham.
Middle " . .	Nathaniel H. Whiting, . .	Marshfield.
Cape, ...	Marshall S. Underwood, . .	Dennis.
Island, ...	Charles Dillingham, . . .	Sandwich.

STEPHEN N. GIFFORD, *Clerk.* A. S. PATTON, *Chaplain.*
JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—JOHN A. GOODWIN.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston,	Cornelius Doherty,	Boston.
		Alonzo M. Giles,	"
2d,	Ward 2, Boston,	Austin Gove,	Boston.
		Josiah M. Read,	"
		Hiram A. Stevens,	"
3d,	Ward 3, Boston,	Simeon P. Adams,	Boston.
		Philip Harkins,	"
4th,	Ward 4, Boston,	Josiah A. Brodhead,	Boston.
		Samuel M. Quincy,	"
5th,	Ward 5, Boston,	Edward Brown,	Boston.
		Harvey Jewell,	"
6th,	Ward 6, Boston,	Martin Brimmer,	Boston.
		Philip H. Sears,	"
7th,	Ward 7, Boston,	John H. Barry,	Boston.
		Charles W. Sawyer,	"
8th,	Ward 8, Boston,	John S. Tyler,	Boston.
		Eben Cutler,	"
9th,	Ward 9, Boston,	Thomas Hills,	Boston.
		Charles W. Morris,	"
10th,	Ward 10, Boston,	Abijah Ellis,	Boston.
		Solomon B. Stebbins,	"
11th,	Ward 11, Boston,	Charles W. Slack,	Boston.
		H. Farnam Smith,	"
12th,	Ward 12, Boston,	William C. Jenkins,	Boston.
		Hiram Emery,	"
		Zibeon Southard,	"

COUNTY OF SUFFOLK—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	Chelsea, ...	Wm. Orne Haskell, .	Chelsea.
	North Chelsea, . .	William W. Shaw, .	Winthrop.
	Winthrop, ...		

COUNTY OF ESSEX.

1st,	Amesbury, ...	William S. Pettingill,	Salisbury.
	Salisbury, ...	Joshua Hale, . . .	Newburyport.
	Ward 6, Newbury-port, ...		
2d,	Andover, ...	Simeon Bardwell, . .	Andover.
3d,	Beverly, ...	Augustus N. Clark, .	Beverly.
	Wenham, ...	Elijah E. Lummus, .	"
	Topsfield, ...		
4th,	Danvers, ...	George Tapley, . .	Danvers.
5th,	Essex, ...	Charles W. Reding, .	Manchester.
	Manchester, . . .		
6th,	Georgetown, . . .	Geo. W. Hopkinson,	Groveland.
	Groveland, ...		
7th,	Gloucester, ...	John S. E. Rogers, .	Gloucester.
		Addison Center, . .	"
8th,	Haverhill, ...	George W. Chase, .	Haverhill.
		Levi C. Wadleigh, .	"
9th,	Ipswich, ...	Daniel E. Safford, .	Hamilton.
	Hamilton, ...		
10th,	Wards 3 and 4, Law-rence, ...	Thomas A. Parsons, .	Lawrence.
11th,	Wards 1, 2, and 6, Lawrence, . . .	Harrison D. Clement,	Lawrence.
12th,	Wards 2 and 5, Lynn,	Josiah F. Kimball, .	Lynn.
13th,	Wards 1, 6, and 7, Lynn, ...	Gardiner Tufts, . .	Lynn.
14th,	Marblehead & Ward 5, Salem, . . .	Thomas T. Paine, . .	Marblehead.
		Benjamin K. Prentiss,	"

COUNTY OF ESSEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Methuen, and Ward 5, Lawrence,	Cyrus Williams,	Lawrence.
16th,	Nahant, and Ward 4, Lynn,	John Q. Hammond,	Nahant.
17th,	Newbury, West Newbury, Rowley,	Calvin Rogers,	West Newbury.
18th,	Wards 1 and 2, Newburyport,	George Goodwin,	Newburyport.
19th,	Wards 3, 4, and 5, Newburyport,	Frederick J. Coffin,	Newburyport.
20th,	Bradford, North Andover, Boxford,	John K. Cole,	Boxford.
21st,	Rockport,	Austin W. Story,	Rockport.
22d,	Wards 1 & 3, Salem,	George Choate,	Salem.
23d,	Wards 2, 4, and 6, Salem,	James A. Gillis, George M. Whipple,	Salem. "
24th,	Saugus, Lynnfield, Middleton,	Harmon Hall,	Saugus.
25th,	South Danvers,	John V. Stevens,	South Danvers.
26th,	Swampscott, & Ward 3, Lynn,	Jonathan F. Phillips,	Swampscott.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Charles Field,	Charlestown.
2d,	Wards 2 & 3, Charlestown,	Marcellus Day, Edwin Woodman, Everett Torrey,	Charlestown. " "
3d,	Somerville,	Columbus Tyler,	Somerville.
4th,	Malden,	Richard Ward,	Malden.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford,	William M. Cudworth,	Medford.
6th,*	West Cambridge, Winchester,	Charles Heywood,	Winchester.
7th,	Cambridge,	Francis L. Chapman, Geo. Wm. McLellan, Anson Hooker,	Cambridge. " "
8th,	Newton, Brighton,	J. F. C. Hyde, Frederick Barden,	Newton. "
9th,*	Watertown, Waltham,	Daniel French, William White,	Waltham. Watertown.
10th,	Concord, Lincoln, Weston,	Charles L. Tarbell,	Lincoln.
11th,	Natick,	John J. Perry,	Natick.
12th,	Holliston, Sherborn,	Cyrus Houghton,	Holliston.
13th,	Ashland, Hopkinton,	Milton Claflin,	Hopkinton.
14th,	Framingham,	James W. Clark,	Framingham.
15th,	Marlborough,	O. W. Albee,	Marlborough.
16th,	Stow, Sudbury, Wayland,	Dexter C. Jones,	Sudbury.
17th,	Acton, Boxborough, Littleton, Carlisle,	William W. Davis,	Boxborough.
18th,	Burlington, Bedford, Lexington,	Oakes Tirrill, Jr.,	Burlington.
19th,	Woburn,	Franklin Smith,	Woburn.
20th,	South Reading, Melrose, Stoneham,	William H. Pierce, Artemas Barrett,	Stoneham. Melrose.

* Town of Belmont incorporated 1859, embracing portions of Districts 6 and 9.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Reading, North Reading,	Frederick Abbott,	North Reading.
22d,	Wilmington, Tewksbury, Billerica,	George P. Elliot,	Billerica.
23d,	Wards 1, 2, and 5, Lowell,	Jeremiah Clark,	Lowell.
		David Nichols,	"
		Stephen P. Sargent,	"
24th,	Wards 3, 4, and 6, Lowell,	Hapgood Wright,	Lowell.
		John A. Goodwin,	"
		Nathaniel B. Favor,	"
25th,	Chelmsford, Dracut, Tyngsborough,	H. W. B. Wightman,	Chelmsford.
26th,	Shirley, Groton, Dunstable, Westford, Pepperell,	George H. Brown,	Groton.
		Samuel P. Shattuck,	Pepperell.
27th,	Townsend, Ashby,	Joseph Foster,	Ashby.

COUNTY OF WORCESTER.

1st,	Ashburnham, Winchendon,	Albert H. Andrews,	Ashburnham.
2d,	Athol, Royalston,	Elisha F. Brown,	Royalston.
3d,	Dana, Petersham, Phillipston,	Josiah White,	Petersham.
4th,	Templeton, Hubbardston,	William Bennett,	Hubbardston.
5th,	Gardner, Westminster,	Joseph W. Forbush,	Westminster.

COUNTY OF WORCESTER—Continued.

District.	Towns.	Name of Representative.	Residence.
6th,	Fitchburg,	David H. Merriam,	Fitchburg.
	Leominster,	J. Q. A. Pierce,	Leominster.
	Sterling,	Samuel Osgood,	Sterling.
	Lunenburg,		
7th,	Harvard,	John S. Wallis,	Bolton.
	Bolton,		
	Berlin,		
8th,	Clinton,	John L. S. Thompson,	Lancaster.
	Lancaster,		
9th,	Princeton,	Moses O. Ayres,	Oakham.
	Rutland,		
	Oakham,		
10th,	Barre,	Orow Trow,	Hardwick.
	Hardwick,		
11th,	Warren,	Joseph Rawson,	W. Brookfield.
	West Brookfield,		
	New Braintree,		
12th,	North Brookfield,	Charles Fales,	Brookfield.
	Brookfield,		
13th,	Leicester,	George L. Hobbs,	Spencer.
	Spencer,		
14th,	West Boylston,	Isaac Damon,	Holden.
	Holden,		
	Paxton,		
15th,	Shrewsbury,	George H. Williams,	Northborough.
	Northborough,		
	Boylston,		
16th,	Westborough,	Dexter Newton,	Southborough.
	Southborough,		
17th,	Grafton,	William F. Slocum,	Grafton.
18th,	Northbridge,	Joshua W. Morse,	Northbridge.
	Upton,		
19th,	Milford,	Henry O. Lothrop,	Milford.
		Daniel S. Chapin,	"

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	Uxbridge, Mendon,	Newell Tyler,	Uxbridge.
21st,	Blackstone,	Charles H. Fletcher,	Blackstone.
22d,	Webster, Douglas,	Emory Sibley,	Webster.
23d,	Southbridge, Dudley,	William Beecher,	Southbridge.
24th,	Charlton, Sturbridge,	James M. Belknap,	Sturbridge.
25th,	Oxford, Sutton, Millbury,	Horace Armsby,	Millbury.
		William R. Hill,	Sutton.
26th,	Auburn, and Ward 6, Worcester,	Benjamin F. Otis,	Worcester.
27th,	Wards 1 and 2, Worcester,	Dexter F. Parker,	Worcester.
28th,	Wards 3 and 8, Worcester,	Joseph D. Daniels,	Worcester.
29th,	Wards 4 and 5, Worcester,	Patrick O'Keefe,	Worcester.
30th,	Ward 7, Worcester,	Alexander H. Bullock,	Worcester.

COUNTY OF HAMPSHIRE.

1st,	Easthampton, Hatfield, Northampton, Southampton,	D. G. Littlefield,	Northampton.
		Lyman C. Tiffany,	Southampton.
2d,	Chesterfield, Huntington, Westhampton, Williamsburg,	Albert Nichols,	Chesterfield.
3d,	Cummington, Goshen, Middlefield, Plainfield, Worthington,	William L. Church,	Middlefield.

COUNTY OF HAMPSHIRE—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Hadley, South Hadley,	Thomas M. Nash,	South Hadley.
5th,	Amherst, Granby, Pelham,	Marcus C. Grout,	Pelham.
6th,	Belchertown, Enfield, Greenwich, Prescott, Ware,	Samuel Morse,	Ware.
		Elias Smith,	Greenwich.

COUNTY OF HAMPDEN.

1st,	Brimfield, Monson, Holland, Wales,	William N. Flynt,	Monson.
2d,	Palmer,	Solom'n R. Lawrence,	Palmer.
3d,	Wilbraham, Longmeadow,	Roderick H. Burnham,	Longmeadow.
4th,	Wards 1 & 2, Springfield,	William B. Calhoun,	Springfield.
5th,	Wards 3 & 4, Springfield,	Simeon Newell,	Springfield.
6th,	Wards 5, 6, 7 and 8, Springfield,	Oliver B. Bannon,	Springfield.
7th,	Chicopee, Ludlow,	George S. Taylor,	Chicopee.
		James M. Smith,	"
8th,	Holyoke, West Springfield,	Nathan Loomis,	W. Springfield.
9th,	Agawam, Southwick, Granville,	Theron Rockwell,	Southwick.
10th,	Westfield,	David M. Chace,	Westfield.

COUNTY OF HAMPDEN—Continued.

District.	Towns.	Name of Representative.	Residence.
11th,	Chester, Blandford, Tolland, Montgomery, Russell,	Samuel Hamilton,	Tolland.

COUNTY OF FRANKLIN.

1st,	Bernardston, Colrain, Greenfield, Gill, Leyden, Shelburne,	George T. Davis,	Greenfield.
		D. Orlando Fisk,	Shelburne.
2d,	Buckland, Charlemont, Heath, Monroe, Rowe,	E. H. Stanford,	Rowe.
3d,	Ashfield, Conway, Hawley,	Joseph Vincent, Jr.,	Ashfield.
4th,	Deerfield, Whately,	Ira Abercrombie,	Deerfield.
5th,	Leverett, Shutesbury, Sunderland, Wendell,	Jonathan Whitaker,	Wendell.
6th,	Erving, Montague, Northfield,	A. C. Parsons,	Northfield.
7th,	New Salem, Orange, Warwick,	Lewis R. Howe,	Orange.

COUNTY OF BERKSHIRE.

District.	Towns.	Name of Representative.	Residence.
1st,	Hancock, Lanesborough, New Ashford, Williamstown,	George W. Barker,	Hancock.
2d,	Adams, Cheshire, Clarksburg, Florida, Savoy,	Stoel E. Dean,	Adams.
		Joseph D. Clark,	Clarksburg.
3d,	Pittsfield, Dalton, Richmond,	Otis R. Barker,	Pittsfield.
		Simeon M. Dean,	Dalton.
4th,	Becket, Hinsdale, Peru, Washington, Windsor,	Simpson Bell,	Washington.
5th,	Lenox, Stockbridge, West Stockbridge,	Charles S. Platt,	W. Stockbridge.
6th,	Lee, Tyringham,	John Branning,	Lee.
7th,	Great Barrington, Alford, Monterey,	Benjamin Peabody,	Gt. Barrington.
8th,	New Marlborough, Sandisfield, Otis,	Cyrus L. Hartwell,	N. Marlborough
9th,	Sheffield, Mount Washington, Egremont,	Henry H. Hoadley,	Sheffield.

COUNTY OF NORFOLK.

District.	Towns.	Name of Representative.	Residence.
1st,	Dedham,	Eliphalet Stone,	Dedham.
2d,	West Roxbury,	Everett C. Banfield,	West Roxbury.
3d,	Brookline,	Edward R. Seccomb,	Brookline.
4th,	Roxbury,	William A. Crafts, Andrew W. Newman, George Curtis,	Roxbury. " "
5th,	Dorchester,	Henry L. Pierce, Samuel S. Drew,	Dorchester. "
6th,	Quincy,	Charles Marsh,	Quincy.
7th,	Braintree,	Francis A. Hobart,	Braintree.
8th,	Weymouth,	Charles W. Hastings, John W. Bartlett,	Weymouth. "
9th,	Randolph,	Seth Mann, 2d,	Randolph.
10th,	Stoughton,	Frederic Capen,	Stoughton.
11th,	Canton, Milton, Walpole, Sharon,	H. Augustus Lothrop, James M. Robbins,	Sharon. Milton.
12th,	Foxborough, Wrentham, Medway,	William H. Cary, Otis Cary,	Medway. Foxborough.
13th,	Franklin, Bellingham,	James P. Ray,	Franklin.
14th,	Needham, Medfield, Dover,	Solomon Flagg,	Needham.

COUNTY OF BRISTOL.

1st,	Pawtucket, Attleborough,	Gardner C. Hodges, James Dean,	Attleborough. Pawtucket.
2d,	Mansfield, Norton,	Annis A. Lincoln, Jr.,	Norton.

COUNTY OF BRISTOL—Continued.

District.	Town or Ward.	Name of Representative.	Residence
3d,	Easton, ... Raynham, ...	Enoch Robinson, . .	Raynham.
4th,	Taunton, ...	George Godfrey, . . Solom'n Woodward,Jr. Charles R Atwood, .	Taunton. " "
5th,	Rehoboth, ... Seekonk, ...	George B. Bliss, . .	Rehoboth.
6th,	Dighton, ... Somerset, ... Swanzey, ...	Jonathan Pratt, . .	Dighton.
7th,	Fall River, ...	Lloyd S. Earle, . . S. C. Wrightington, .	Fall River. "
8th,	Westport, ...	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, ...	Francis W. Mason, .	Dartmouth.
10th,	Wards 1 and 2, New Bedford, ...	Sabin P. Chamberlain, William F. Durfee, .	New Bedford. "
11th,	Wards 3, 4, 5 and 6, New Bedford, . .	Richard A. Peirce, . Robert Gibbs, . . . Caleb L. Ellis, . . .	New Bedford. " "
12th,	Berkley, ... Freetown, ... Fairhaven, ...	Samuel L. Ward, . . William Babbitt, . .	Fairhaven. Berkley.

COUNTY OF PLYMOUTH.

1st,	Hull, ... Cohasset, ... Scituate, ...	Loring Bates, . . .	Cohasset.
2d,	Hingham, ...	David Cain, ...	Hingham.
3d,	South Scituate, . . Hanover, ...	Joseph H. Studley, .	Hanover.
4th,	Marshfield, ... Pembroke, ...	Otis H. Bates, . . .	Pembroke.

COUNTY OF PLYMOUTH—Continued.

District.	Towns.	Name of Representative.	Residence.
5th,	Duxbury, ...	Frederic C. Adams, .	Kingston.
	Kingston, ...		
6th,	Plymouth, ...	Samuel O. Whitmore,	Plymouth.
	Carver, ...	Ralph Copeland, . .	Carver.
7th,	Wareham, ...	Silas T. Soule, . . .	Wareham.
	Marion, ...		
8th,	Mattapoisett, . . .	Silvanus Gifford, . .	Mattapoisett.
	Rochester, ...		
	Lakeville, ...		
9th,	Middleborough, . .	Francis M. Vaughan,	Middleborough.
10th,	Bridgewater, . . .	Mitchell Hooper, . .	Bridgewater.
	West Bridgewater, .		
11th,	East Bridgewater, .	L. D. Hervey, . . .	N. Bridgewater.
	North Bridgewater, .	William Allen, . . .	E. Bridgewater.
12th,	Abington, ...	Isaiah Jenkins, . . .	Abington.
		Otis W. Soule, . . .	"
13th,	Hanson, ...	George F. Stetson, .	Hanson.
	Halifax, ...		
	Plympton, ...		

COUNTY OF BARNSTABLE.

1st,	Barnstable, ...	John S. Fish, . . .	Sandwich.
	Sandwich, ...	Ansel Lewis, . . .	Barnstable.
	Falmouth, ...	Geo. W. Donaldson, .	Falmouth.
2d,	Yarmouth, ...	Edward Smally, . .	Harwich.
	Dennis, ...	Samuel Higgins, . .	Chatham.
	Harwich, ...	John K. Sears, . . .	Yarmouth.
	Chatham, ...		
3d,	Brewster, ...	Jesse C. Snow, . . .	Orleans.
	Orleans, ...		
	Eastham, ...		
4th,	Wellfleet, ...	Lewis Lombard, . .	Truro.
	Truro, ...	James Gifford, . . .	Provincetown.
	Provincetown, . . .		

COUNTY OF DUKES.

District.	Towns.	Name of Representative.	Residence.
One.	Edgartown, . . . Tisbury, ... Chilmark, ...	Allen Tilton, . . .	Chilmark.

COUNTY OF NANTUCKET.

One.	Nantucket, ...	Elisha Smith, . . . Alfred Swain, . . .	Nantucket. "

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HENRY WILSON, *of Natick.*

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VIII.—CHARLES R. TRAIN, *of Framingham.*
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X.—CHARLES DELANO, *of Northampton.*
XI.—HENRY L. DAWES, *of Adams.*

* Chosen May 11; *vice* CHARLES FRANCIS ADAMS, resigned.

Commonwealth of Massachusetts.

Secretary's Department, Boston,
June 15, 1861.

I hereby certify that the printed Acts, Resolves, &c., contained in this volume, are true copies of the originals.

OLIVER WARNER,

Secretary of the Commonwealth.

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